

Public Administration Review

THE JOURNAL OF THE AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION

Volume II

SUMMER · 1942

Number 3

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Published quarterly, in February, May, August, and November, by the American Society for Public Administration. Office of Publication: 1009 Sloan Street, Crawfordsville, Ind. Editorial and Executive Offices: 1313 East 60th Street, Chicago, Ill. Entered as second-class matter October 13, 1940, at the post office at Crawfordsville, Indiana, under the Act of March 3, 1879.

Subscription rate: \$5 a year; or, to members, \$2.50, included in membership dues. Single copies, \$1.50. No discount to agents.

Dues schedule: sustaining members \$10 or more; members \$5; junior members (those 28 years of age or less) \$3.

Address: *Managing Editor, PUBLIC ADMINISTRATION REVIEW*
1313 East 60th Street, Chicago, Illinois

IN THIS NUMBER

HAROLD E. STASSEN, Governor of Minnesota, analyzes the administrative principles on which the recent interstate agreement on the regulation of motor transport was based, and discusses the application of such principles to a future world association.

The Massachusetts state director of the Office of Price Administration, **HENRY PARKMAN, JR.**, tells how local governments cooperate in the rationing program. **MR. PARKMAN** has been a member of the City Council of Boston and of the Massachusetts Senate.

H. DEWAYNE KREAGER, one of those who first organized the Food Stamp Plan, describes the problems of enforcing compliance with its regulations. **MR. KREAGER** is now employed by the Board of Economic Warfare.

The sources of legislation in New York have been studied cooperatively by nine colleges. On the basis of this study, **ELISABETH MCK. SCOTT** of the New York Legislative Service and **BELLE ZELLER** of Brooklyn College describe the part played by administrative officials in the preparation of legislation.

Alexis de Tocqueville's *Democracy in America* was a by-product of an official mission to study the administration of the penal system. **LOUIS SMITH**, associate professor of political science at Berea College, analyzes the hitherto neglected administrative aspects of Tocqueville's work.

E. I. KOTOK and **R. F. HAMMATT** tell the story of the late **F. A. Silcox**'s career in public and private management. **MR. KOTOK** is assistant chief and **MR. HAMMATT** is assistant to the chief of the Forest Service.

Reviewers: **JOHN M. GAUS** reviews the essays recently published in honor of **Charles E. Merriam**. . . . One of the products of the movement for state administrative reorganization is analyzed in a study reviewed by **CHARLES M. KNEIER**. . . . The editors of the *Review* discuss with **HERMAN FINER**, reader in public administration at the University of London, an analysis of the higher civil service of Great Britain written by one of its former members.

The pages of *Public Administration Review* are open to contributors holding various views of public policy and public administration. The editors do not accept responsibility for the views expressed in any article or review.

E Pluribus Unum

By HAROLD E. STASSEN

Governor of Minnesota

THE people of the United Nations, while fighting for victory, are seeking to discover or create institutions of world association on which to stabilize victory and build a lasting peace.

Such institutions cannot be built on abstract blueprints, but neither can they develop if we refuse to think about the institutions we are creating. The United States of America was founded by men who had the courage to believe that man could adjust governmental institutions to meet his needs and if necessary could abolish them and invent others. In fact the political history of the United States is the story of a people which has continuously and (with one exception) peaceably adjusted the framework, the processes, and the policies of its government to meet the demands of a changing world. From the most detailed minutiae of administration to the broadest principles of world association, it is the duty of all men in a democracy, and especially of all public officials, to consider the processes and institutions of government and from time to time to propose their improvement or reform.

The United States is in a peculiarly advantageous position to consider the types of institutions and processes that can be effective in world government and those that are likely to fail, for its century and a half of experience with a federal system is a historical laboratory for the practitioner of public administration. On some enterprises the American people have secured effective action through their federal structure; on others they have not. The public official who begins to realize that his local, state, or federal program will have to be shaped in the

future to meet the needs of world affairs may well consider carefully the types of federal processes by which units of government in America have worked together to accomplish common programs.

One accomplishment that will bear examination of this kind is the recent adoption of uniform standards for the regulation of motor transport. The problem was stated simply and directly by the War Department in the text of a letter from its under secretary to the executive director of the Council of State Governments in these words:

Successful prosecution of the war requires the utmost efficiency in the use of motor transportation. We cannot afford to have motor transport delayed or impeded by diversity of State laws and regulations with respect to widths, lengths, weights, etc. of commercial motor vehicles. The present enforcement of the varying regulations in the different States is a serious interference with motor traffic that bears directly upon the production and distribution of weapons for the fighting forces. Numerous examples of obstruction of the movement of critical materials can be cited. . . .

We believe that . . . uniform limits should be operative not only for motor vehicles directly engaged in transporting materials for prosecuting the war but for commercial motor vehicles generally for the duration of the war. The reason is that the maintenance of existing standards will result in tying up an undue amount of motor vehicles and will thus interfere with maximum utilization of motor vehicles for the war effort and for essential civilian economy.

The story of the solution to the problem can be told in a single paragraph. The President, at the suggestion of the Council of State Governments, on May 16, 1942, appointed a committee of the heads of federal war agencies, with the Secretary of Com-

merce as its chairman, to meet with the Executive Committee of the Governors' Conference. The two committees met on May 21, and the Executive Committee of the Governors' Conference agreed to forward to all states the minimum requirements governing motor transportation developed by the Bureau of Public Roads in cooperation with the states and to urge each governor to take action under his administrative and emergency powers to put these standards into effect immediately. On June 1 the President was notified that every state had put the uniform standards into effect. Thus was solved, at least for the duration of the war, a problem that had been perplexing public authorities, shippers of freight, and common carriers ever since public roads became an important means of interstate motor transport.

Can any lessons of general significance for public administrators be drawn from this brief account?

Sovereignty and Superhighways

SOME observers have held that state governments are put in a dilemma by the development on a nation-wide basis of commerce, technology, and communications. The state governments, it is assumed, cannot hinder the technological development of the country, for if they do their citizens will abolish them; and they cannot survive if that development continues, for a national economy will inevitably lead to a centralized national government.

This dilemma, it seems to me, is not a real one. It depends on the illusion that the people who make up the states and the people who make up the nation are not the same. But since they are the same, perhaps they want their state governments and their national government to work toward the same objectives and not to show off their independence by disagreeing. Perhaps, after all, independence can be used to work with others, not against them.

Modern society, it is true, requires a more continuous sort of teamwork; the pilot and

the bombardier have to synchronize their movements more closely moment by moment than did the frontiersmen engaged in guerrilla warfare. But this teamwork is nothing new, for from the beginning our government depended on the cooperation of its free institutions, and one of the boldest assumptions of the Constitution itself was that a society could be governed without any level or branch of government having absolute sovereignty.

Let us see how this issue was illustrated in the removal of the restrictions on motor transport. One of the principal reasons for the creation of the federal union and the drafting of the Constitution of the United States was to assure the people of the thirteen states, and any others that might be added, the right of free commerce with one another. No one visualized at the time the development of twentieth century technology, its effect on transportation and communications, and the effect that it would have on the apparently unchangeable allocation of certain functions to the federal government and others to the states. It was taken for granted that the federal government could regulate commerce, and the states and their subdivisions could build and maintain their roads, without interfering with each other.

Yet consider the questions that arise in modern motor transport. The giant truck, or the truck and trailer combination, cannot operate on a primitive trail. For safety and economy the size of the truck must have a certain relationship to the width, the grade, and the curvature of the road, and to the speed that the truck is to run; if it does not, the truck will wreck. Its weight, or the weight that it carries on each tire of a certain size, must have a certain relationship to the type and the thickness of the pavement and the strength of bridges; if it does not, the bridge will break down and the pavement will disintegrate.

Obviously the matter of regulating commerce and the matter of building roads are now closely connected, just as are the building of trucks and the building of roads.

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If the federal government were to undertake to set uniform limits on the size and weight of trucks in interstate commerce, it would find that its standards would be restricted—in constitutional theory—by what the roads and bridges of the states with the flimsiest paving and the weakest bridges could carry.

It is probable that the power of Congress to "enact legislation designed to secure uniformity or in other respects to protect the national interest in the commerce and thereby curtail the State's regulatory power" has a limit, that is, that Congress could not set weight limits, for example, higher than those "necessary to conserve the road." So much is admitted in a staff report of August, 1941, to the Interstate Commerce Commission on the question of the need for federal regulation of the sizes and weights of motor vehicles in interstate commerce.¹ But practically the question of constitutional right was not of primary importance; some standards could be relaxed without damaging the roads, and if that had not been possible the federal government would have been in a position to insist that the roads be improved—or to do the improving itself.

There was no question about general public opinion on the subject; it obviously cared little one way or another about highway regulations by comparison with its demand that nothing stand in the way of the war effort. The states could either take the initiative to do the job of abolishing restrictive regulations, or they could stand in opposition on a constitutional issue. The former choice was a truer exercise of their independence.

The distinction among the levels of government on the basis of constitutionally assigned functions has become unimportant, from the administrative point of view, because of the growth of systems of grants-in-aid and other devices by which the so-called "levels" cooperate in nearly every important

function. The city cannot disregard the state, nor the state the federal government, in its policies and programs. The war effort has greatly extended the interest of each level of government in the work of the others.

As a result, the future of the state government—like the future of the nation, of private business, and of any other institution—will depend less on its constitutional and legal prerogatives than on what it can contribute to the general welfare. And its most important general purposes will have to be carried out in cooperation with its local governments, with the federal government, and perhaps with the institutions of world association.

The Basis of the Action

THE action of the governors in waiving certain regulations on motor transport was based on a foundation of effective federal-state cooperation over several decades. The highways in question constituted a national network of interstate commerce, but they were state highways, built and maintained by state agencies, with the cooperation and financial assistance of the federal Bureau of Public Roads.

New Jersey established the first state highway department in 1891, and by 1915 all but a few states had similar departments, which took over the construction and maintenance of the principal highways from the county and township authorities. The first federal aid for highway construction came in 1916. Since that time the entire system of "U.S." highways has been constructed and maintained by state highway departments, and the War Department's "strategic system" of roads important for war purposes is the result of the work of these departments with federal financial aid and technical consultation.

The question that the governors dealt with late in May, then, was how best the nation could use the system of highways which the states had been responsible for building. The question could not be an-

¹ *Federal Regulation of the Sizes and Weight of Motor Vehicles.* House Document No. 354, 77th Congress, 1st Session (1941), pp. 189-190.

swered by snap judgment or by removing all restrictions on motor traffic over the highways. For the safety of the trucks themselves and their cargoes, certain regulations needed to be enforced; even in the short run, it would be no advantage to a munitions plant to permit its materials to be scattered along the highways in wrecked trucks or to be dumped in rivers through broken bridges. And since it would be unsafe to count on a war of too short duration, it would be unwise—regardless of financial considerations—to encourage the use of truck loads so large that the highways would be damaged for future use; with transportation one of our most difficult bottlenecks, it is essential to conserve the state highways as one of our most valuable national assets.

To get the greatest wartime use out of the highways, the government had to act on the basis of a careful appraisal of facts. Such an appraisal was no simple matter; it had to be based on a consideration of many factors. For example, there were all the physical characteristics of highways—the types of surface and their durability, the width of the roads, their grades and the sight distances on them, their curvature, and the dimensions and strength of the bridges. The problem was affected, moreover, by the volume of traffic on the several types of roads, the dimensions and weight of the vehicles, and the distribution of the weight on their axles and wheels—even the degree of inflation of the tires had its bearing. The comparative economy of using larger and smaller trucks and trailers on different types of jobs came into the question. All these technical factors are too complicated for discussion in a short paper, but they all had to be considered in an extensive long-term program of research conducted cooperatively by the Bureau of Public Roads and the state highway departments on all aspects of the interrelationship of highway design and the sizes, weights, and speeds of motor vehicles.

As a result of this program, the American Association of State Highway Officials, with the advice of the Bureau of Public Roads,

adopted and recommended in 1932 a set of uniform standards governing the size and weights of motor vehicles. These standards became the basis for legislation in twenty-five or more states during the next decade, and when the war increased the urgency of the problem they were ready for nation-wide adoption by state action.

These standards are facts, discovered by technical experimentation and administrative experience. Legislatures may choose to ignore them if they wish to base their highway policies on other considerations than the maximum safe and economical use of the roads. But in time of war, the duty of waiving state regulations when clearly in conflict with the maximum war effort is imposed on the governors by state constitutions, state legislation, and public opinion alike. Only two state legislatures were in session when the necessity of dealing with the problem arose. Some governors issued special proclamations, and others handled the matter by executive orders or by orders from their defense or war councils.

The combination of experimentation and executive leadership in this incident may well be applied in a broader field. In any system of government, a legislature can determine a policy in the general interest only if administrative experience has built up a picture of what can be accomplished in the general interest. As long as the only process possible is one of compromise between existing special interests—as is true in a legislature without some executive leadership—no positive program for the common good can be formulated. A sound program of world association, it seems clear, can be worked out only if active administrative agencies, worldwide in scope, are permitted to develop new programs and experiment with new policies.

The Unification of Public Loyalities

IN ADMINISTERING any program, government departments generally consult the interests that the program is likely to affect. Through such consultation they are able to work out regulations and policies that are

satisfactory to all concerned and to extend the amount of governmental activity that depends on voluntary compliance rather than coercion. Especially in recent years, public officials have come to rely on organizations and associations to represent the views of business, occupational, and other groups. In the future such consultation is likely to expand in importance, for the current war production program shows how much can be achieved by the cooperation of private institutions with governmental programs which they have helped to formulate.

The practice of consultation, however, can have its dangers. In a public program, private interests always need to be adjusted or restricted in the general interest. Whenever any single level of government—federal, state, or local—undertakes to restrict a private interest, that interest is likely to decide that the matter should be handled by another level of government. It may often be able, by appealing to the courts or to political rivalry of one governmental unit against another, to block action altogether.

To illustrate the relation of this point to the motor transport problem, a quotation may be offered from the talk given on May 5, 1942, by Joseph B. Eastman, Director of the Office of Defense Transportation, before the Federal-State Conference on War Restrictions in Washington. Said Mr. Eastman:

Unfortunately—and I think it is well to be entirely frank about this matter—the situation has been affected, at times to a controlling extent, by a factor which has nothing to do with the protection of the public safety or the conservation of highways, and that is the desire of the railroads to limit or embarrass the competition which they encounter from motor trucks and buses. The railroads and their employees, who are powerful politically, have been extremely active in seeking State restrictions upon the size and weight of motor vehicles for this purpose, and in opposing any Federal remedial legislation. Manifestly, also, the success of such efforts on their part in even a single State has effects in interfering with the flow of interstate commerce by motor vehicle which extend far beyond the boundaries of that state.

It is not surprising that organizations of railroads held that federal regulation of the

sizes and weights of motor vehicles in interstate highway traffic would be unconstitutional, while organizations of bus and truck operators held an opposite legal and constitutional theory.

The railroads should by no means be singled out for criticism in a general discussion of this subject, for every group has tended to attach its loyalties to the unit of government that promises to further its ends and to oppose the program of the unit that threatens its interests. But if a program is to be considered on its merits and democratic action is to be expedited during the world crisis, it is especially desirable that all levels of government work together rather than offer a divided front. Working together, they can evoke the respect and the loyalty of the nation as a whole; working separately, they only arouse unnecessary differences of opinion and set wholesome traditions and loyalties at odds with each other in a way that America can ill afford during this emergency.

"In union there is strength" is a motto that applies with peculiar urgency to our situation at the present time. The United States must be united in her administrative institutions, for the states and the federal government represent the same people and therefore have a common objective. We are only beginning to apply that lesson to the administrative institutions of the United Nations, although we have recognized that the future of the world depends on the success of our common efforts in the fight for world freedom.

The Machinery of Cooperation

IF GOVERNMENT cannot achieve unity of effort without the cooperation of states with the federal government, neither can the states work effectively on a national program without some machinery of cooperation. On a multitude of issues that now confront the country as a whole, each state hesitates to act alone. Its expenditures affect the fiscal policy of the nation; its functions almost invariably are connected in some way with a program of

national scope. Its citizens, furthermore, have nation-wide interests, whether they are businessmen who buy and sell in interstate commerce, professional men who belong to national associations, industrial workers belonging to national or international unions, or farmers associated in private organizations and through the federal-state system of agricultural administration, education, and extension work. And, having nation-wide interests, they are not inclined to urge their state to pursue a unique course of action. Each citizen owes allegiance to all levels of government; he wants them to work in concert, not in conflict.

Until recent years, however, the states had no machinery of their own for working out a common program. Whenever a common program was needed by the nation as a whole, it had to be undertaken by the federal government or by the states under plans drafted by a federal agency, with the incentive of federal grants. The states were all too likely to find themselves without a voice in the working out of a national policy, although they might be expected later on to help execute it, and although their administrative experience might have been valuable in the formulation of the program.

In place of the single meeting to which governors were called at the White House in the first World War, at which the federal government and the state governments obviously could not really exchange views and make joint plans, this World War has seen the state governments working in close collaboration with each other and with the federal government since the inception of the defense program. Their purpose has not been to defend their rights and privileges but to make their contribution to the common cause. The organization of the Selective Service System, the creation of state and local defense councils, the formulation of a uniform legislative program to free the energies of state agencies for participation in the war effort, the administration of the rationing program—in all these ways the states undertook to assume their share of the burden.

The vitality and initiative of state governments in this crisis have been the result, in large measure, of the cooperative institutions that have developed and expanded during the past decade. The Governors' Conference at its national meeting in June, 1940, and again in 1941, threw the total resources of the state governments into the national war effort. Through the Council of State Governments leaders of state legislatures and of various groups of state administrative officials worked out a common program in cooperation with federal agencies, even down to such detail as the precise regulations to be applied to the storage and transportation of explosives.

Because the states now have a nucleus of common action, they can organize participation in the war effort not only in special functional fields in which their departments are already operating but in new functions never before assumed by government. Thus the rationing program, for which entirely new machinery had to be created, could be set up with the support in each state of any departments that had personnel and skills which could be devoted to the job. The state reorganizations of the 1920's and 1930's gave the governors of many states far greater authority and influence than before, and this additional capacity for leadership added tremendously to the states' capacity for undertaking new functions.

Until May, 1942, one thing was lacking to make this type of state cooperation fully effective—the creation of an organ in the federal government to work out with the states a common plan of action. On May 16, however, the President informed the Secretary of Commerce that "the Council of State Governments has suggested that I appoint a committee from the war agencies to meet with the Executive Committee of the Governors' Conference." The purpose of the meeting, he said, was to formulate specific solutions to the impediments to the war effort growing out of divergent state laws and regulations. These impediments had been discussed at the conference arranged by the Secretary of

Commerce the preceding week between representatives of the state governments and federal war agencies.

The Committee on Federal-State Cooperation in the War Effort, of which the Secretary of Commerce was made chairman, included the principal federal officials whose programs were affected by the problems under discussion, namely, the Secretary of the Treasury, the Attorney General, the Under Secretary of War, the Assistant Secretary of the Navy, the Chairman of the War Production Board, the Director of the Office of Price Administration, the Director of the Office of Defense Transportation, and the Chairman of the War Manpower Commission. It was this committee with which the Executive Committee of the Governors' Conference discussed and organized the removal of the varying restrictions on motor transport. With this committee the governors can now work to mobilize state resources still more effectively in the drive for final victory.

Every great emergency in human affairs profoundly affects the political institutions of mankind. Often an emergency stimulates the invention or adaptation of governmental institutions, just as it stimulates invention in the physical sciences. The institutions through which the state governments and the federal government have arranged cooperative programs have been strengthened and expanded during the current crisis. Just what form they will take after the war it would be impossible to predict. But no one can doubt that the development of technology and communications will lead the free citizen to demand ever more insistently in the future that his governmental institutions find ways of working in harmony for his good and the good of his neighbors.

BUT who then is his neighbor?

The walls of isolationism and narrow separation are gone forever. In the postwar world, the people on other continents will no longer be strangers far away but rather neighbors, just one day's travel distant, with

whom we can hold current conversations by radio.

Our administrative institutions must provide bridges of mutual understanding and helpfulness, linking the peoples of the world in practical efforts to effect the ideals of the Atlantic Charter. To put those ideals into effect, international measures will have to be taken to control the great airports of the future and the gateways of the Seven Seas, to further trade between peoples on the basis of a just distribution of raw materials, to enforce a world code of justice, and to provide the educational opportunity on which a future world democracy must be based.

These are fine phrases, the cynic may say, but what have they to do with the regulation of weight-load per truck axle? They have a great deal to do with such prosaic details, for the peace of the future needs to be founded on thorough attention to details as well as high ideals, on carefully constructed administrative institutions as well as sound philosophies of international law. And when sovereign states in a sovereign nation solve even a trivial problem that has been a matter of long concern and mutual embarrassment, perhaps they have worked according to principles that may help our sovereign nations in the United Nations of the future.

Four lessons, at least, may be learned from the states' adoption of uniform motor transport regulations. The first is that free institutions, like free men, make the best use of their freedom by working with, and not against, others. Our public officials will need to remember in the future that local governments will not be sacrificing their independence by working with the states, nor the states by working with the nation, nor the nation by working for the Four Freedoms throughout the world. On the contrary, only by taking the larger view will they safeguard their institutional independence and their human liberties.

Second, the ideal common program will not be discovered exclusively by political campaigns and parliamentary debate, although the right of political debate must be

jealously preserved to prevent even the best of programs from being applied without the consent of the people. It will be worked out for the most part on the basis of careful research and experimental administration through years of effort. We shall discover how best to transport and distribute our trade and raw materials by the same kind of patient effort that told us what load each kind of highway pavement would bear with the greatest economy.

Third, to evoke and maintain the loyalties of all the people to a common program, that program should be undertaken cooperatively by the several types of institutions which command their allegiance. Just as the effort to set one level of government against the other was avoided by federal-state cooperation in the motor transport problem, so the issue of national sovereignty may be

avoided in the future by collaboration between national and international agencies.

Fourth, true collaboration can be maintained among governments only if special institutions for furthering that collaboration are devised and maintained—institutions that will let the governments concerned exchange experience and advance their views while new policies and programs are being formulated, as well as while they are being carried out.

By applying these principles the United States is increasing its contribution to the cause of the United Nations. Perhaps in the future we shall say that by applying these principles and others worked out through similar administrative experience in federal-state-local cooperation, the United Nations has found it possible to create a world association of free men.

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The Local Rationing Board in Massachusetts

By HENRY PARKMAN, Jr.

*Massachusetts State Director, Office of
Price Administration*

THE local rationing board (now the war price and rationing board) is a phenomenon new to American life and yet has its roots deep in American tradition. There has been (and is) nothing quite like it known to our accustomed habits of government. Born of an urgent need discovered at the instant of Pearl Harbor when 98 per cent of our rubber supply was about to be shut off, rationing boards by the thousand sprang into full growth all over the country to dole out tires to those who needed them most to further the war effort. The boards were created by men who saw government in this country through eyes that scanned the level of the ground and did not look down from the mountain top of Washington upon vast empty spaces below.

The selective service boards, known to the last World War, were the example. The Council of State Governments, outgrowth of a desire to preserve the functions of government at the state level and close to home, provided the pilot model of the working machinery. The local defense councils or committees on public safety provided the media by which to create this new adjunct of wartime government. In a week's time, between December 29 and January 5, local governments, town, city, county, and state, proved their vitality and demonstrated their capacity to function smoothly and efficiently in response to a wholly new demand as co-equals in our federal system of government.

Starting as "tire rationing boards," the "tire" was soon dropped from the title, as the scarcity of wartime economy forced the rationing of other articles. Automobiles,

typewriters, sugar, gasoline, bicycles have been added to the commodities over whose rationing they hold undisputed sway. With each commodity have come regulations, amendments, and interpretations voluminous in quantity and puzzling in their intricacy and complexity. The digestive capacity of the members of local boards has been enormous. Their stamina has been amazing. Unpaid volunteers, devoting more and more free time to their labors and encroaching on their business hours, they have perhaps staggered once or twice as new burdens appeared but have straightened up, squared their shoulders, and moved ahead in serried ranks and in uniform cadence.

It was several months before the forms and ceremonies of Washington official routine caught up with the procession. During that period the local boards carried on very well indeed without the benefit of a legal staff to rule upon the fine points of the law or regulations and on the whole showed a fine appreciation of the purpose of the various programs, hewing always to the line without fear or favor. In saying that, I can speak at least for one state which has had from the outset 351 local boards, from which conflicting rulings have been few. Public acceptance of rationing has in consequence been complete. One of the extraordinary developments has been the sudden creation of a local *esprit de corps* built upon the belief that "our board" is a little bit better than the one in the neighboring town which, they say, "doesn't seem to understand the regulations" or is applying them too loosely. Investigation always shows that the board

in the neighboring town holds the same opinion of the other. We would hear the same stories of adjoining states and when I would take the question up with the administrator next door he would inform me politely that his border boards told him that Massachusetts boards were not giving a correct interpretation of the regulations.

Formalization of System

IT WAS inevitable, of course, that, with the expansion of rationing (and now price control), the fine free informality of the early days would give way to a more formal system. The sheer volume of law resulting from the application of eligibility rules to an infinite variety of persons and circumstances is too vast to be assimilated and administered without the professional guidance of lawyers. Uniformity throughout the country is more and more difficult to insure unless interpretations come from one central source. And it goes without saying that unless scarce articles are rationed on equal terms to all alike, rationing will no longer be supported. In the face of this incursion of government routine and officialdom, however, the spirit of the local rationing board remains unchanged.

Perhaps the low point in their enthusiasm was reached in mid-April (1942) when the boards were struggling along with only such equipment and personnel as they might have been able to beg, borrow, or steal from whatever sources their ingenuity might conjure up. Many of the boards, appointed as they were in Massachusetts by the local authorities, had among their members a town official and the use of a town office. Others had been provided with an "administrator" paid from local funds. But sugar rationing loomed just over the horizon and there were already rumblings of gasoline rationing in the offing. The load was heavy and likely to grow heavier. Already Washington was beginning to call for more and more paper work and the boards had all they could do to find time to give hearings and act upon applications. To add to their vexations, essential forms

were slow in coming through, changes were made in the regulations before there was time to get instructions to the boards, who learned of them through the press, and generally they felt neglected and unappreciated. Their frame of mind was well expressed by the chairman of one board who wrote me the following letter at about this time:

This is to inform you that, so far as this rationing board is concerned, tire rationing is, for the present at least, entirely washed up. For three weeks we have had no certificates and now have no application blanks. In the meantime, applications are piling up.

Mr. W—, who has acted as our clerk and done most of the work, has resigned and the other member, who is in the office of one of the firms engaged in defense work in —, has been only able to meet with us at night. Mr. W— is also one of our fire wardens and takes his turn at our Observation Post, so his patriotism is not open to question; but he is 75 years of age and says he wants to live a few years more, which possibility seems open to doubt if he continues on the board. As I am nearly his equal in age, I am beginning to feel somewhat of his opinion. Possibly younger men should have been assigned the task.

We waded through the voluminous verbiage of the 22-page set of regulations first issued, and Mr. W— indexed them. In a month, a new set came through and was indexed. Then came almost daily changes and additions. Meanwhile, we were waiting for interpretations from Washington as to our problems, some of which finally came through. Our sense of futility in our efforts waxed and our popularity in the town waned. Now the stream of verbosity has vanished entirely and the federal government, like Pharaoh of old, bids us make bricks without straw, but forbids us to find or make substitutes, which the Hebrews were able to do.

Now come sugar rationing and gasoline rationing. If the officials in Washington follow their precedent, God help all rationing boards, and the country as well!

I am not blaming your board, as your difficulties, as compared to ours, must be as the beam to the mote.

I met our Board of Selectmen last week, intending to hand in my resignation; but, as that seemed too much like running away during the battle, consented to wait for a time. It is impossible for us to continue as at present. I am sending them a copy of this letter to explain my attitude. In the meantime, my resignation has a delayed fuse.

Just in time to prevent the resignation of this valued member, and many others like

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him, authority to add substantially to federally paid clerical personnel came through from Washington. When added to the few already assigned to the larger centers and to the large number of chief clerks and "administrators" paid for by city or town funds, they gave some measure of relief and made it possible to file and classify the tremendous volume of sugar and gasoline ration forms.

Services Contributed

IN OPERATION, however, the system remained one of "cooperative government," as Frank Bane termed it in his article in the preceding issue of this *Review*. All levels of government contributed to its strength. For example, while the federal government made some provision for rental of office space, the allowances followed no set pattern as would have been the case in a full-fledged federal agency. Most cities and the large towns continued to provide free-of-charge space for the enlarged activities in the city hall or in some city-owned building. Where no space was available much "Yankee trading" was resorted to. Some towns would rent quarters if the federal government would provide some equipment or pay a small charge for alterations. This method of pulling together to get results worked out so well that the required space expansion cost the federal government only about \$800 for the month of May for all of Massachusetts. Equipment, files, desks, and typewriters came from every conceivable source. The WPA furnished them from their workrooms, or the NYA, or the local carpenter built them as his contribution, or the school system provided them from their vocational training classes.

The same spirit of cooperation pervaded all fields of activity. When we needed trained men to help the boards in the larger centers to review the X-card applications and pass upon requests for supplemental rations, the governor let us have 112 men from the Massachusetts Public Works Department and the Massachusetts Registry of Motor Vehicles for a period of two weeks and more;

and the state is doing the same thing again for the permanent gasoline registration. High school girls from the secretarial classes, girls from insurance companies, city and town personnel were all freely loaned to meet problems as they arose. The rationing system gained strength and grew in public acceptance because it drew vitality from the existing local and state governments.

The amazing feature about it all is the devotion of local board members to their duties. At the least it has meant three or four evenings a week, lasting until midnight or later. For many it has meant a great sacrifice of their business or professional interests in attending regularly called meetings during business hours. Yet their zeal does not flag. We have just concluded a series of eleven meetings held at convenient places throughout the state, and the attendance was greater than ever before. More than eight hundred board members and their clerical staffs attended these evening meetings for purposes of advance instruction in the permanent gasoline program and in price control. The formal part of the meeting took about three hours but their attention never failed, and when the meetings broke up there was always an eager crowd of board members around the speakers seeking interpretations on special facts or anxious to discuss some other feature of their work.

The boards have now been authorized to expand their membership from the present number of three to as many as twelve. Most of them in the larger communities are doing so and plan to organize their work in panels, specializing, for example, in sugar and food rationing, tires and automobiles, and in price control. This seems an essential development if the members are to stand up under the strain. It will be necessary for more boards to do what some are doing now and have their executive secretary or "administrator" do all the preliminary work on applications and present them with a recommendation ready for the final judgment of the board members. More business will have to be done by mail and less time can be de-

voted to the personal hearings and long explanations that were so necessary a part of the early stages in securing understanding and acceptance by aggrieved applicants.

But, above all, it is essential to retain the strength that comes from the feeling of board members that they are doing a vital job for their community and their state as well as for the federal government. In this aspect rationing and price control are different from any other activity of the national government. They affect every single individual in every state. Those in the OPA who did the planning were wiser than they knew when in the haste of the emergency

they went to the local governments for help. Other agencies may operate efficiently and well by a purely federal machine, working down through regions and districts without regard to state or local lines. This cannot be done with the program of the OPA. Local loyalties, ingrained by long tradition, are too valuable to be lost. The success of the program is completely dependent on voluntary compliance on the part of all the people. Such compliance results naturally from the faith and confidence inspired by men and women known to the people of the city, town, or state for the fairness and impartiality of their character.

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Compliance Problems of the Food Stamp Plan

By H. DEWAYNE KREAGER

Formerly of the Surplus Marketing Administration

TWO years ago the Food Stamp Plan was the young sensation among federally sponsored programs designed to promote social and economic reform. The plan was unique among New Deal proposals in that it had no organized opposition. Businessmen, welfare agencies, economically underprivileged low-income and relief classes, agricultural groups, and economists looked upon it with favor as an effective means of improving the living standard of the underfed one-third of the nation through utilization of existing commercial business channels. The program continues, although largely unobserved, crowded out of the newspapers by the war.

The job of controlling the domestic and international production and distribution of many raw materials and manufactured products through public subsidies is an acknowledged administrative giant of the coming postwar world. The Food Stamp Plan has proved that such government-subsidized programs, although geared economically to a philosophy of the better distribution of wealth, can be done democratically. The mistakes of the Stamp Plan, as well as its outstanding successes, can teach us much. An immediate reexamination of the plan, in the light of its potential significance as a forerunner of postwar reconstruction programs, is justified now.

The thesis herein presented is that government-subsidized programs for economic and social welfare can be handled under the democratic system through existing channels of private business, providing the morale of the cooperating business interests can be kept at a high level as the

result of effective compliance work on the part of the administering government agency. Experience under the Stamp Plan, as well as in the NRA and the crop production control programs in agriculture, has proved that such effective initial compliance is extremely difficult without an adequate system of administrative law enforcement. Economic planners might do well to consider the problem of the development of an effective and democratic administrative law enforcement system. This might be secured by granting rule making authority to administrative agencies through legislative action; or through advance prescription of high standards and qualifications with which industry would have to comply in order to be eligible to participate.

Mechanics of Stamp Plan

THE great virtue of the Stamp Plan is the simplicity with which it works. It is designed as an antidote for the paradox of want in the midst of plenty and thrives as a government-administered food distribution program using existing channels of wholesale and retail trade. The mechanism of operation involves the use of orange and blue food order stamps. Each stamp is worth twenty-five cents. The orange stamp can be used for the purchase of all food items normally intended for human consumption. The blue stamp may be used for certain designated surplus or specially nutritious foods as determined by the United States Department of Agriculture. A participating client (an employee of WPA, or a recipient of old-age, blind, or mother's-aid assistance, or general relief) is required to

purchase enough orange stamps each month to equal his normal food purchasing power, however small it might be. He then receives free blue stamps in an amount which, when added to his orange stamps, would total a food-purchasing power sufficient to give his family an adequate, if not abundant, diet. The food stamps, once in the hands of the client, can be spent to purchase food in any retail food store which complies with the regulations of the Department of Agriculture.

The astonishing truth about the Food Stamp Plan is that, while it is a government-subsidized program for economic and social reform, it is as democratic as an old-fashioned square dance. The plan's "participating public" consists of state and local welfare agencies, welfare and relief classes of all kinds, the vast and varied American food-distributing industry, and the American farmer. No one of these groups gets anything for nothing. Clients must voluntarily expend their present food-purchasing power for orange stamps before they get the free blue stamps, and participation is not compulsory. The food industry profits by increased retail and wholesale business, it is true, but in return the industry shoulders the problem of transporting, storing, displaying, and distributing a sizable chunk of the nation's food surpluses, a task previously borne entirely by the government. Welfare agencies have a new tool with which to work for expansion of the amount and variety of benefits in their programs, but in return they must produce more and better social case work and a higher level of relief administration.

In the organization of the program in any given local area, supervising federal officials and local welfare people must watch closely to see that the formula for issuing stamps is designed with sufficient accuracy to insure that the existing purchasing power of clients is tied up (earmarked for food purchases) in advance in order that all, or nearly all, of the free blue stamps that the client receives go for additional purchases of food. For ex-

ample, a client with a family of four, whose limited income normally permits a weekly food expenditure of only \$1 per person, or \$16 per month for the whole family, would be required to purchase \$16 worth of orange stamps before receiving an additional \$8 in free blue stamps. Thus, his food-purchasing ability would be increased by 50 per cent, and the diet of his family becomes more nearly adequate. The ratio of free blue stamps given with the orange stamps varies between classes of clients and between areas, depending on need and adequacy of living standards.

Effectiveness of the program is judged largely in terms of the amount of the blue stamp dollar actually expended for additional food purchases. Two factors control the degree of effectiveness in a local area. First is the accuracy of the stamp issuance formula as geared to local relief and low-income living standards. Second is the extent of violations committed by food dealers or participating relief clients in using the stamps. It is toward this second factor of violations that this article is directed, since the rate of increase of violations, the most difficult of all stamp plan administrative problems, is the most important key for evaluating local public reaction to the program and also the best criterion for judging the effect of the program upon the morale of the participating public.

Ideally, the most effective local stamp program is the one in which the greatest percentage of the blue stamp dollar goes for additional food purchases. Each time a client uses a dollar's worth of blue stamps to purchase previously unobtainable food it means three significant things: (1) one dollar's worth of additional nutritive food for the health and well-being of the client's family; (2) one dollar's worth of additional retail business for the store selling the food (from which, of course, must be subtracted the cost of handling); and (3) one dollar's worth at current retail prices of additional farm produce sold to a hitherto untouched market—the underprivileged family. The

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fact that the issuance formulas cannot be perfect reduces the percentage of the blue stamp dollar expended for additional food by possibly 5 to 20 per cent, depending upon the efficiency of local relief administration in the area concerned. The amount of the remaining 80 or more per cent left over that goes for actual purchases of food not previously enjoyed by the client depends upon the extent of violations committed in the use of the stamps.

Methods of Violation

ANYONE who has worked closely with the A program will admit that there are both good and bad effects in different local areas. As violations increase in any given local area, usually the result of the inability of government to control and punish initial petty violations speedily, the morale of the food trades, the participating clients, and ultimately welfare and local sponsoring agencies becomes increasingly uncertain, and in a few local areas this uncertainty has resulted in considerable destruction of the tangible value of the program. Our concern here is primarily with the morale of the food industry, that private business channel which the government uses as a means of keeping this social reform program on a democratic basis.

Substitution buying, wherein the client uses the free blue stamps in place of money previously spent for food, not infrequently reduces somewhat the percentage of the blue stamp dollar that is spent for additional food purchases. This is not a legal violation, however, since it results from the impossibility of keeping the stamp issuance formula accurate to the last cent, a factor beyond control of the client.

Legal violations involve collusion between the retailer of food products and the relief client and may include (a) the sale of nonfood items for either orange or blue stamps, (b) the sale of nonsurplus foods for blue stamps, (c) ordinary misuse of stamps, such as collecting them in payment of old bills or on installment purchases, which eliminates the possibility of a spot cash trans-

action, and (d) actual trafficking in stamps, by means of which the merchant actually may be purchasing stamp books from clients for cash at a discount rate and redeeming them at the United States Treasury for their face value. This latter category involves a direct conspiracy to defraud the government by presentation of a false claim to the United States Treasury, is the most serious violation, and is the one in which it is the most difficult to secure convictions.

In the early days of the Food Stamp Program in the summer of 1939, when it was regarded in a somewhat hazy way by welfare agencies as a competitive social service organization, it was necessary for the Department of Agriculture to secure a foothold for the inauguration of experimental food stamp programs through the food industry. Wholesale and retail food interests, inspired partly by the anticipation of new profits arising from a new market, and partly by a genuine feeling of public service, rallied to the support of the new program. Operating as an effective pressure group, the food industry was in a position to bring sufficient weight to bear upon city, county, and state agencies to force them to sponsor the program. It is doubtful that the government ever used to the fullest possible extent the volume of support that could be provided throughout America by the well-organized food industry.

Later, when wide acceptance was accorded the plan, the necessity for using the food industry as a pressure group for the program disappeared as active welfare sponsorship developed. Almost without exception programs established after the first year were inaugurated as a result of welfare agency sponsorship, with the food industry a secondary supporting factor. Welfare agencies have been able to get the food stamps into the hands of the clients, but unless the active and enthusiastic cooperation of the food industry continues it is not possible to insure that these stamps will be expended by the clients in such a way as to accomplish the desired objectives.

Difficulties in Enforcement

WEAKNESSES in the compliance structure result from two factors: the inability of the government under the existing legal structure to cope speedily with the initial compliance problems and the fact that private industry as a whole has not yet reached a point where it is willing to subordinate the profit motive to that of the public interest. Early food industry enthusiasm for the program is demonstrated by the fact that in the initial six experimental communities many members of the food trades dug generously into their own pockets to promote education of the industry and to provide aggressive merchandizing campaigns. By contrast, only two years later with the plan well established throughout a good share of the country, and with enthusiastic support from welfare agencies, one is surprised to find some coolness in the attitude of the food industry in new areas.

This change in attitude can be attributed primarily to the increase of petty violations in a number of local areas. The rising violation rate is the fault of the government, the result of the government's inability to enforce compliance with speed and dispatch. The fact that some elements in the industry have a tendency to succumb to the profit motive and give up under the pressure of the increasing violation burden is, of course, the fault of the industry.

The problem of violation involves on the one hand the relief client and on the other the retail businessman. The government has proceeded very slowly in the punishment of any client for violation aside from securing, through the welfare agency, his exclusion from the program. This caution is based upon recognition that the financial condition of the relief client is already so poor that to place upon him any additional legal punishment would be relatively ineffective, and the obvious fact that no client can violate without the cooperation of some retail grocer.

In the beginning of any new local pro-

gram the odds are in favor of effective cooperation from the food industry because the retail grocers are in large part established factors in the community and honesty and good will are concomitants of their business. In every local instance there are, of course, a certain number of "borderline retailers" who are willing to commit violations in order to see "what the government will do about it." Grocers in new programs watch violations as committed by their competitors and judge the effectiveness of the program on the basis of the speed with which the government catches up with, prosecutes, and punishes such violators.

It is not necessary to go into great detail concerning either the origin of the violation problem under a program like the Stamp Plan or the slow legal process through which an administering government agency must go in order to combat it. One violator is enough to start the vicious circle. Relief clients, many of them long experienced in getting the most out of what little they have, make proposals to grocers covering anything from a request to buy nonfood items for stamps to a direct request for the grocer to cash in stamp books at a discount. Most retailers of course refuse, but the word quickly gets around that grocer X is willing to make concessions. X's business mounts as stamp customers flock to his counter from other stores. The honest grocer across the street suddenly finds himself in the peculiar position of losing business because he will not make the same concessions as his competitor X across the way. The fact that X's violations are known both to clients and other food dealers from the very beginning makes them no less difficult to control.

In every community there is a food industry committee composed of representatives of wholesale, retail, independent, and chain food dealers. This committee is in itself a democratic institution, being a form of representative government for a specialized local purpose. Frequently it is this committee, backing up honest retailers, that protests the violations of grocer X to the local

Stamp Plan administrator. The administrator talks to the violator, explains his mistakes, and points out penalties that will fall upon him unless he ceases in his wayward course. Sometimes this helps; more often it does not. Ultimately a federal investigator comes to town and grocer X is on his list. It may take months, however, to get through legal channels. The process of investigation is tedious and witnesses, more often than not, are drawn from among the clients themselves, who through this process are turned into veritable stool pigeons. Always it is several months before a thoroughly closed case can be built up against a violator, and then the prosecution depends upon the attitude of the local district attorney. Action must frequently await the next session of the federal court, which may be many weeks away. Even after this long process of waiting has been completed, the conviction itself frequently results in so slight a penalty as to be ineffective. In the meantime the enthusiasm of the food industry committee has been deadened and the confidence of the honest retailer has been lost.

Unable to foresee any way in which grocer X can be thoroughly punished, his honest competitors frequently feel forced to make concessions themselves. Soon, as has been proved in a few local areas, nearly everyone may cheat a little, probably not enough to defeat a program so thoroughly founded upon social and economic justice as the Stamp Plan but enough to impair the full effectiveness of the program. Out of the 80 per cent of the original blue stamp dollar probably available for food purchases, after allowances have been made for imperfections in the issuance formulas, it would be possible for an additional 30 to 50 per cent to be lost through violations. Even when only 50 per cent of the stamp dollar goes for additional food purchases, a beneficial program may ensue, but much of the potential 50 per cent loss can be avoided and, when multiplied thousands of times over the course of a year, it would result in a loss of many thousands of dollars.

Need for New Processes

HERE will be other programs in our post-war reconstruction where speedy punitive action is more necessary than in the Stamp Plan, which continues to succeed even when suffering from the difficulties of its compliance headache. The prime factor for the inability of setting up a speedy compliance program is the lack of any legal means whereby punitive action can be taken through administrative channels. Lacking effective systems of administrative law enforcement, American governmental agencies are unable to place authoritative action in the hands of their administrative officers. True, any local administrative officer might attempt on his own to suspend a known violator in the Stamp Plan, but if any mistake is made in the course of such action, the administrator can be personally sued for libel and loss of business by the ousted retailer. The threat of this always impending personal penalty is enough to deter any administrative officer from taking this action.

As a result, all punitive action on the compliance program has to proceed through the slowly moving normal legal channels. A long legal process is involved—so long that one can scarcely justify the expense of prosecuting the petty violator and consequently concentrates on the big offender. It is the volume of petty violations, not the infrequent sensational big fraud case, that does the most damage. This article does not argue that the legal process be eliminated for cases of flagrant violations where heavy fines or prison sentences are involved, but it does argue for an administrative law system that will permit an administrative official to take action necessary to stop petty violations before they reach a disastrous volume. It should be kept in mind, too, that occasional large fraud cases involving organized collusion between dozens of clients and many retailers grow out of the ease with which it is possible to commit small violations and to escape with only a limited fine or short suspension from participation in the program.

If federally sponsored programs directly controlling the social and economic affairs of the nation become increasingly common in our system of government, it follows, as the cart does the horse, that some attention must be given to providing a system of American administrative law that will make it possible for the executive side of our government to cope effectively with petty violation problems as they arise. With the national economy becoming less individualistic and more publicly controlled, the gap between the executive and the judicial must be bridged by an administrative legal structure.

The moral of this paper is so simple as to be elementary. It asks that planners of the future economy keep the following points in mind:

1. That programs for social and economic control can be democratic.
2. That existing business channels, supplemented by government subsidy and supervision, can be used for operating such programs.
3. That wholehearted support of the cooperating industry is necessary to the successful accomplishment of the program.

4. That the industry's support depends upon its morale, born of its respect for the program.

5. That fast, fair enforcement of compliance in order to eliminate petty violations is necessary to keep up the morale of the cooperating industry.

6. And finally, that without some modification in our legal structure, possibly the development of an administrative law system, speed and effectiveness in control of petty violations are well nigh an impossibility. Such modification might take the form of the granting of limited statutory authority permitting administrative agencies to suspend petty violators, with adequate provision for appeal through administrative channels. The local food industry committee, being a representative democratic body, could be used as the appeal board under the Stamp Plan. The program might also include advance prescription by administrative decision of high standards determining eligibility for participation of the cooperating industry. Such standards are fundamental to the maintaining of democratic institutions in a more centralized society.

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State Agencies and Lawmaking

By ELISABETH McK. SCOTT, New York Legislative Service,
and BELLE ZELLER, Brooklyn College

STUDENTS of politics and government officials have long realized that administrative agencies have exerted great influence in statute lawmaking in addition to formulating administrative law through their rule-making powers.¹ From our earliest history, few seriously believed that the theory of checks and balances excluded the direct and often decisive influence of the administrative agency in the legislative process.² And yet research in this important field has been meager indeed.

In the Spring, 1942, issue of *Public Administration Review*, however, Edwin E. Witte's article, "Administrative Agencies and Statute Lawmaking," described the initiation of bills within the federal administrative departments and the influence which these departments exercise upon the action of the Congress. Mr. Witte concluded that "the natural result of all of the activities of administrative agencies devoted to legislation is that they very greatly influence the action of Congress." The legislative influence of administrative agencies of the states in general, he said, is much smaller than that of the federal agencies. He added, however, that "in some states, for instance New York, administrative departments seem to play

¹ This article is based upon cooperative studies conducted during the legislative year 1941 under the direction of Elisabeth McK. Scott with the support of the Committee on Public Administration of the Social Science Research Council. The studies were made by students at nine colleges in New York State under the guidance of Dean Clements, Albany Law School; Belle Zeller, Brooklyn College; John Adams, University of Buffalo; Kenneth Hechler, Columbia University; J. Murdoch Dawley, Fredonia State Normal; Ruth Weintraub, Hunter College; William J. Ronan, New York University; John T. Honey, Syracuse University; and Vernon O'Rourke, Union College.

² See *Report of the President's Committee on Administrative Management* (1937), pp. 359-377.

quite as important a role in statute lawmaking as in the national government."

A study of the sources of New York State legislation in 1941 confirms Mr. Witte's opinion of the role of the New York State administration in statute lawmaking. State and local administrative agencies and officers proposed and sponsored more than half of all the statutes enacted in 1941, and the eighteen state administrative departments proposed more than a quarter of them.

Whose Bills Were Enacted?

DURING the 1941 legislative session 4,381 bills, of which 1,541 were duplicates, were introduced in the New York Senate and Assembly. Of the 2,840 bills which were separate proposals, 955 were finally enacted into law. These bills sprang from the soil of our whole society. The most important ones were the product of much interchange of thought and cannot be attributed to the initiative of any one type of agency. Yet by careful study it is possible to describe the ways in which these proposals were brought to legislative fruition.

The bills, all of which, of course, were formally introduced by members of the legislature, came from five main sources: administrative agencies, the judiciary, legislative members and agencies, governmental employee associations, and private organizations and persons.

Administrative agencies and officials, as Table 1 shows, were the source of 769 of the 1,641 bills introduced and of 502 of the 884 statutes enacted on which information is available.

Only those bills were credited to federal agencies which state departments indicated

TABLE I. SOURCES OF NEW YORK STATE LEGISLATION, 1941

Sources	Number of Proposals Introduced	Number of Proposals Enacted
Administrative		
Federal Agencies	14	4
State Departments	376	240
Independent Commissions	8	6
Local Government Agencies	348	241
State and Local Officials	23	11
	769	502
Judicial		
Courts and Court Officials	56	28
State Judicial Council	32	19
	88	47
Legislative		
Law Revision Commission	51	44
Temporary Legislative Committees and Commissions	87	47
Legislators	31	28
	169	119
Governmental Employee Associations		
	97	28
Nongovernmental Organizations		
Individuals or Unorganized Groups	395	110
	123	518
Total	1,641	884
Proposals on which source information is lacking	1,199	71
Grand Total	2,840	955

had come from such sources. Such federal proposals customarily are sent to the corresponding state departments to become part of the legislative program, and they are then submitted to the chairmen of the appropriate legislative committees. An exception in 1941 was the United States Housing Authority bill, introduced by Assemblyman Robert F. Wagner, Jr., son of the author of the federal act, instead of by the chairman of the legislative committee.

Approximately half of all proposals enacted came from state administrative agencies and from agencies of local governments. The permanent independent commissions, such as the Flood Control Commission and the Commission on Pensions, have been listed separately from the regular state departments although their programs and sometimes their personnel may be closely identified with the departments. For example, the state superintendent of insurance is also chairman of the Commission on Pensions. Proposals coming from state and local administrative officials, most of

whom are policy-determining officers, have been included with those attributed to administrative sources. It would be difficult to separate the recommendations of such organizations as the New York State Association of Public Welfare Officials, the Municipal Electric Utilities Association, and the Surrogates' Association of New York State from the recommendations of the governmental units which they serve. Because of the legal fiction which prevents two of the strongest groups of local officials influencing legislation in the state, the New York State Conference of Mayors and the Association of Towns of the State of New York, from officially recommending proposals, the total of their recommendations has been added to that of local government agencies.

Another principal source of legislation is the judiciary. The courts' interest in legislation affecting court practice and procedure is much the same as the administrative departments' interest in their fields of action.

No sharp line of distinction can be drawn between the various sources of legislation. For example, the Law Revision Commission, which deals with much the same subject matter as the courts, was classified as a legislative source because it depends on statutory authorization and includes some legislators among its members, although its executive secretary and a majority of its members are not members of the legislature.

The 169 proposals and the 119 enactments springing from "legislative" sources were by no means unaffected by administrative influence and consideration since representatives of the state administrative departments frequently serve in important advisory capacities on the temporary interim legislative committees and commissions. For example, the state superintendent of insurance sits with the Committee on Recodification of the Insurance Law, which was created by the legislature in 1937 and has been renewed annually.

Governmental employee organizations, which are generally concerned more with the conditions of work than with the formu-

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lation of governmental policies, have been listed as a separate category apart from the administrative and judicial officials. Examples of such groups are the Association of State Civil Service Employees of the State of New York, the Civil Service Forum, and the associations of teachers, police, and firemen.

Thus the figures given in Table 1 cannot be taken to mean that administrative agencies and officials had nothing to do with the proposals springing from other than administrative sources. In doubtful cases proposals were classified under judicial, legislative, or nongovernmental sources. The over-all record of state departments shown in Table 1 is given in greater detail in Table 2.

TABLE 2. LEGISLATION PROPOSED BY STATE DEPARTMENTS

Department	Number of Proposals Introduced	Number of Proposals Enacted
Agriculture and Markets.....	24	14
Audit and Control.....	14	12
Banking.....	11	9
Civil Service.....	1	1
Conservation.....	38	34
Correction.....	18	9
Education.....	21	9
Executive.....	54	20
Health.....	7	4
Insurance.....	28	24
Labor.....	43	31
Law.....	9	4
Mental Hygiene.....	0	0
Public Service.....	9	0
Public Works.....	21	21
Social Welfare.....	6	5
State.....	29	13
Taxation and Finance.....	43	30
Total.....	376	240

Relative Importance of Legislation

THE question may well be asked, how important is the legislation initiated by the state administrative departments as compared with that sponsored by other governmental or by nongovernmental agencies? To arrive at an answer certain facts must be kept in mind. In 1941, 2,840 distinct proposals went into the legislative hopper. It is difficult to estimate the number that were of major consequence to the public and that at the same time involved a change in general policy. It would depend upon one's concep-

tion of terms and social outlook as to whether the number should be as low as twenty or as high as one hundred. In any one legislative session, surely not more than twenty proposals attract general public attention and interest. A great number of the bills deal with administrative detail, many are of local application only, and others make minor corrections of existing laws or clarify them.

A review of the 1941 legislative proposals of a few departments will reveal the general character of their bills. Those affecting a department like the Department of Conservation were almost wholly local in application and of a minor administrative character. In 1941, 161 fish and game laws were introduced, of which 38 were department bills. The legislature passed 36 of the departmental bills and 36 others; the governor vetoed 2 of the departmental bills and 18 of the others. Legislators from rural districts are often greatly concerned with purely local proposals for the purpose of building up their legislative records and are therefore reluctant to turn over authority to regulate such matters to the Department of Conservation where it rightly belongs.

Of the 24 bills on the Department of Agriculture and Markets program, 14 became law. Four of these statutes enacted new provisions of law, 8 improved the administration of existing provisions, while the remaining 2 merely corrected or clarified the law by removing obsolete sections, renumbering sections, and in other ways making minor corrective changes. The legislative program of the Department of Taxation and Finance included 30 bills which dealt with tax matters and 13 which were recommendations of the Division of Motor Vehicles in that department. If one were to hazard a qualitative analysis of the 30 bills designed to improve the administration of the state tax law, the most important were probably the 5 bills that were intended to increase the department's authority, even though in minor respects. One of these was killed by the legislature because it gave the

department too much power. The other 4 were enacted. A much larger number of bills—about 25—had no general importance. They ranged from bills that may have been of great importance to those directly affected to measures that merely improved the wording of statutes or brought them up to date.

Of the 28 bills sponsored by the Insurance Department in 1941, of which 24 became law, probably only 3 were of major importance. One provided for the creation of "The Life Insurance Guaranty Corporation" intended to strengthen the life insurance structure in the state and to afford additional and substantial protection to policyholders. Another had been studied for three years by a committee of the National Association of Insurance Commissioners, headed by the New York State insurance commissioner, and provided for changes of the standard policy provisions for fire insurance contracts. It was not until the 1942 session that this bill became law. In addition the department continued to sponsor a compulsory motor vehicle insurance law but compromised by accepting a financial responsibility law. All the other bills on the department's program were introduced for the purpose of perfecting the insurance structure in minor respects. Many of these, like many bills of other departments, merely legalized or gave statutory authorization to already existing department practices.

The important measures on the Labor Department's legislative program were bills enlarging the classification of hazardous employment in which the payment of benefits is compulsory. Another law brought the New York unemployment insurance law into conformity with the federal Social Security Act, and still others increased the administrative discretion of the department for improvements in administration.

Many proposals of the administrative agencies represent an immediate approach to a particular problem rather than the result of any long-range planning. Often certain sections of one state statute are amended every year or two, each amendment reflect-

ing a current emergency situation. For example, in 1939 the reserve requirements of medical and hospital service corporations were set low because of the financial difficulties of the Associated Hospital Service of New York; they were raised in 1941 to reflect an improved financial condition.

What was the relative importance of the bills springing from nongovernmental sources? Of the 884 new laws on which sources were known, 188 were the recommendations of nongovernmental agencies, private pressure groups, private firms or individuals. An examination of these 188 laws justifies the conclusion that not only was this group of laws quantitatively far less important than the group of governmental measures but more significantly they were qualitatively less important. Although this group contained a few bills of major consequence, it contained a considerable number of bills of much less importance than those introduced from government sources. The three main bills were the installment sales regulation bill of the Legal Aid Society, the automobile financial responsibility bill of the insurance companies, and the urban redevelopment bill of the Merchants Association. The first two measures had been originally proposed in more drastic forms by state departments. The third, although not originating in any governmental agency, was fully discussed and agreed upon with the Division of Housing and other governmental agencies and approved by them before it became law.

Several of the 1941 bills of nongovernmental agencies were actually drafted by administrative agencies, though sponsored and introduced by private groups. In such cases the government agency giving drafting assistance took the attitude that if a law were to be passed over which it would have jurisdiction, a measure carefully and correctly drafted was to be preferred.

Most of the bills from nongovernmental sources dealt with minor matters. These bills may be of great importance to a limited number as, for example, a bill enacted in 1941, recommended by the Association of

the Bar of the City of New York, to validate certain arbitration contracts that had been held void by the court. Probably the least important bills in the whole session's grist were from nongovernmental sources. Among these were nine new laws to revive and extend the corporate existence of a corporation, two laws to permit changes of name of membership corporations, and nine to authorize personal claims.

Unless a nongovernmental agency can stage a spectacular campaign for its legislative proposal or win the approval of the affected administrative agency, there is slim chance of success for its bill. Although the number of privately sponsored bills enacted is small, the number of such bills introduced is very large. Most of them lie dormant in the legislative committees to which they are referred.

The Administrative View

FOR two important reasons it is necessary and inevitable that administrative departments occupy an influential place in the formulation of legislation. They are in command of the information on which policies must be based, and they look on problems of the state as a whole.

As so large a proportion of current state legislation concerns the establishment of government agencies and the extension and perfection of government services, the best sources of information available to the legislature are the administrative departments in their special spheres of interest—and this information can be released or withheld by the departments in such a fashion as to influence the course of legislative action. The memoranda of departments are a gold mine of information and often contain whole histories of a particular section to be amended, enunciations of principles of government, and detailed accounts of administrative procedure and practice.

Furthermore, a state department is more likely than any other agency (perhaps an exception should be made of the temporary legislative committees and commissions) to

view problems of the state as a whole rather than in relation to a particular locality or special interest. The legislator who goes back for reelection every two years to his geographical district is less likely to have an over-all point of view. In his constituency he may be subject to pressure from an organized special interest or a group of interests which can call him to account with telling force. He seldom loses sight of the effect of legislation upon his own district. Note the following communication from the superintendent of the Department of Public Works concerning a bill introduced into the Senate and Assembly authorizing him to reconstruct state highways through certain towns.

I don't know of any more terrible legislation that could be enacted. We have roads in this state which need reconstruction to the amount of \$200,000,000 or more. Suppose every legislator introduced a bill and had it passed directing the superintendent of public works to rebuild all the roads in his county or district that might need rebuilding. Obviously, an appropriation of \$200,000,000 would have to go along with it, and nobody would cheer any louder than I would. Just as obviously, it would be out of the question for the State to put up the \$200,000,000. We are going to have something less than \$12,000,000 this year to spend on the reconstruction of our 13,000-mile system. For the Legislature to enact any such legislation would mean, of course, that all discretion would be taken out of the hands of the department. We would have no authority to spend the money on the roads which we believe need rebuilding first in the best interests of the greatest number of the people. . . . I can't but believe that this is simply a bill for home consumption. . . .

Relations with Private Groups

THE participation of the administrative departments in the legislative process is much broader than the total number of their own bills implies. Many of the nongovernmental pressure groups have come to realize that the legislative battle is at least half won if they can get the state administration on their side. For this reason, many of the bills sponsored by private agencies were drafted by them with an eye toward the administrative point of view or in active collaboration with administrative agencies. On the other

hand, the reverse is true: many of the bills sponsored by administrative agencies were proposed to those agencies by private groups which, instead of going directly to a member of the state legislature, preferred to ask the state departments to initiate their measures.

Of the fourteen bills of the Department of Agriculture and Markets which were enacted in 1941, four were requested by the following five nongovernmental groups: the New York State Association of Refrigerated Warehouses, the New York State Farm Bureau Federation, the New York State Vegetable Growers' Association, the Empire State Potato Club, and the Lower Hudson Market. Two bills were supported by the seed potato growers, farm groups, and biologic manufacturers, and one bill was prepared after consultation over a period of several years with farm and trucking interests. Furthermore, private persons and groups play a part within the departments themselves. For example, in the Department of Labor in New York, representatives of employers, employees, and the public serve on such departmental agencies as the Industrial Council, the Advisory Committee for Self Insurers, and the Unemployment Insurance State Advisory Council; they are appointed either by the governor himself or by the commissioner of labor. Many of the bills in the programs of the various departments are the result of years of work in negotiating and adjusting the conflicting interests of all those affected by the proposals.

The extent of cooperation between a department and the private groups and individuals with which it deals will vary from department to department. Some merely advise or attempt to reconcile divergent views, or they agree not to oppose a bill although unwilling actually to recommend it. The Department of Labor may draft a bill to be introduced at the request of the New York Federation of Labor. The Department of Social Welfare writes: "We have close contact with many bills affecting public welfare and may even go so far as to help in either originally drafting or later on

redrafting such measures in consultation with the original sponsors."

Of the twelve agricultural bills enacted which were not part of the department's legislative program, all were either "approved" or "not objected to" by the Department of Agriculture and Markets. Some of these were actually drafted by the department, on others the department gave advice and assistance. Thirteen bills in this field were vetoed, of which two were actively disapproved by the department.

The Department of Civil Service sponsored only one bill of its own, which was enacted. However, many civil service bills are put in at the request of civil service reform organizations and civil service employee groups. Because a good deal of this legislation provides for special advantages, the department's chief role has been the negative one of doing what it can to block such legislation. In this function the Department of Civil Service is often assisted by the New York State Conference of Mayors and the Association of Towns of the State of New York.

The Department of Health, which initiated only 7 of its own bills in 1941, sent out some 243 letters on 41 different bills not sponsored by it. Many of these bills were opposed by the department. Such letters went to the governor, the director of the budget, the chairmen of the legislative committees, and the majority and minority leaders of the Senate and Assembly. In this particular department there were in addition a number of interdepartmental memoranda. These help in crystallizing the views of the administrative agency. One such interdepartmental memorandum read as follows: "Idea laudable. Believe it can be handled by welfare officers if they would assume responsibility. I recognize this as a specialized bill and don't particularly like it. . ." And so the strength of any department of the state government can be measured not only by its actual program of bills but also by its influence on the programs of others.

The administrative departments recognize their own limitations and seldom introduce bills which they know have no chance of passing. The departments have certain sponsoring advantages over other initiating groups in that their own bills are almost invariably introduced by the chairmen of the Senate and Assembly committees to which the bills are referred. These legislative chairmen and the departmental representatives, usually the departmental counsels, are in constant communication with each other. The departments take the political climate in the legislature into consideration before asking that their bills be introduced.

Many of the departments, on the other hand, have recommendations buried in annual reports which are not introduced until favorable reception is promised them. For example, in 1941 two of the most important bills of the session were recommended by nondepartmental sources. Both of these bills, if their history is traced to their beginnings, were recommended in earlier sessions by departments. One of these, the automobile financial responsibility act, was recommended jointly by a group of business and insurance company representatives after consultation with members of the New York State Bar Association, the Division of Motor Vehicles, and the Department of Insurance. The department had recommended compulsory automobile insurance and introduced bills embodying its recommendations repeatedly since 1936. The department agreed to accept the proposal enacted in 1941 as a compromise measure and as an experiment. The series of bills in 1941 regulating installment selling can be related similarly to earlier departmental recommendations although the 1941 bills were drafted by a conference on installment selling which included representatives of the Legal Aid Society, the Russell Sage Foundation, various trade associations, and related business units.

As a matter of fact, as demonstrated in both of these cases, when special groups see reform is inevitable, they prefer to write the reform themselves. The department, too,

prefers to let the groups affected take the initiative at this time rather than to dictate to them, even if it could. For all administrative agencies know that it is not enough to put legislative enactments on the books, but that these laws must be enforced. Enforcement by the department is made much easier by such procedure. In the case of the regulation of installment selling, the trade associations affected are now actively cooperating in enforcement by holding meetings to help their own memberships understand and observe these laws and to prevent competitive groups, not members of the trade associations, from violating the law. One can be sure that such cooperation is welcomed by the department since it lightens its task of enforcement, particularly in a field newly regulated.

Much pioneering is done by private civic and social organizations which put in bills year after year knowing full well that neither the public nor the legislature has been sufficiently educated to grasp the immediate necessity for the reforms. A good example of this is the health insurance bill sponsored in the New York State legislature for many years by the American Association for Social Security. The administrative departments concerned with their immediate tasks may have felt that the time was not yet ripe for this legislation. It is probable that when that time comes the appropriate administrative agencies will play a more prominent and active role in the formulation of health insurance legislation.

The Preparation of Bills

THE standing committees of the state legislature hold meetings and hearings in an extremely casual and irregular manner, and their proceedings are in considerable part unrecorded. This is, of course, one of the great weaknesses in the state legislature as compared with Congress. The New York Senate committees do not consider all the bills referred to them. The influence of the legislative committee chairmen in the Senate is very great indeed. Frequently the chair-

man reports bills out by sending clerks to canvass the members of the committee and to secure the consent of a majority to his recommendations. The usual practice in an Assembly committee is for its members to consider practically all the bills referred to them and to record the votes taken thereon. The Assembly committees may kill the bills, report them out to the Assembly, or refer them to the rules committee. An Assembly rule provides that ten days before the designated closing date of the legislature all bills not reported out by the Assembly standing committees be referred to the rules committee. Often this means that the rules committee alone of all thirty-eight Assembly standing committees is functioning for a period that may last from ten days to a month, since the legislature does not usually adjourn on the date announced. In 1941 the legislature convened on January 8 and adjourned on April 3. The Assembly went into "rules" on March 20.

Many of the public hearings at Albany do not serve as a sober instrument of inquiry for building up a mass of information to be placed at the disposal of legislative committees. They frequently are effective devices for registering emotional appeals and for conveying the impression that there is a great demand for or against the legislation under discussion.

These practices in the Senate and Assembly, however, cannot be said to have any serious effect upon the legislative influence of the state departments, which appear to have adapted themselves to this casual system of procedure. Furthermore, the lack of formal and systematic committee meetings and hearings in the legislature may have contributed to the development of the procedure of holding more or less formal and regular hearings in the state departments during the preparation of their legislative programs. These administrative hearings are not of a spectacular nature. They practically never attract public attention, but they serve the purpose of exchanging information and reconciling different points of view. Thus, in a sense, pa-

of the process of considering legislation has been transplanted from the state capitol to the offices of the state departments.

An examination of the procedures followed by the state departments indicates that the study of bills to be proposed or sponsored by the departments constitutes a serious and important part of their work. The department which perhaps has gone further than any other toward formalizing and systematizing its consideration of legislative proposals is the Department of Labor. While this department is active in formulating "sublegislation" in the form of industrial codes and minimum wage orders, it is also active in formulating its program of bills for the consideration of the legislature. While not all the state departments have formal legislative committees, the Department of Labor has a legislative committee of three members. In the fall of each year (the regular annual legislative session opens early in January), the legislative committee of the Department of Labor asks board members and division heads in the department to submit proposed amendments to the workmen's compensation law, to the labor law, and to related laws in which the department may be interested. Conferences are arranged with board members or division heads when further explanation is necessary. Hearings are then arranged to which representatives of labor, industrial, and other interested organizations are invited. In the case of amendments to the workmen's compensation law, such conferees would include representatives from insurance companies and self-insurers who pay for the administration of this law. During these conferences, which frequently run into three- and four-day sessions, an attempt is made to obtain agreement on proposed legislation.

When the program is finally accepted by the conferees, bills are then drafted and presented to the bill-drafting commissioner at Albany for approval as to form. Supporting memoranda may accompany the bills when they are sent to the legislative members who introduce them. The introducers of the

department's bills are usually the chairmen of the committees on labor and industry in both the Senate and Assembly. Members of the legislative committee of the Department of Labor are available during the legislative session, both at Albany and New York, for consultation and advice on pending labor legislation. The department is always represented at public hearings on labor bills before legislative committees. A member of the department's legislative committee is also available for consultation in case advice is needed at private hearings.

The Department of Labor receives daily reports of the action taken in the legislature on all bills both in its Albany and in its New York City offices, and the progress of all bills affecting labor is watched whether these bills were introduced by the department or not. Division heads, board members, and others are kept informed of the status of any bills in which they may be interested. When labor bills are introduced through sources outside the department, the legislative committee often finds it necessary to consult with and obtain the opinion of division heads, board members, and other authorities as to whether the department should support or oppose these measures. The department may prepare memoranda on bills not initiated by it and submit these to the proper legislative members. The following memorandum, sent to the Assembly rules committee by the industrial commissioner, throws light on the procedure followed by the Department of Labor. The bill became law after it had been amended in accordance with the suggestions made by the commissioner and the chairman of the Board of Standards and Appeals.

MEMORANDUM re Assembly Introductory 2090,
Print 2520.

This bill would amend the Labor Law in relation to factory construction.

This bill was introduced after conference with a committee representing the Associated Industries, Board of Standards and Appeals and various members of the staff of the department of labor representing the several divisions involved.

Originally the Committee of the Associated Industries had submitted a proposed amendment which was not acceptable to either the Board of Standards and Appeals or to the department. But all parties agreed that Title III of the Labor Law should be amended to permit the use of new fire-resistant material which was not in use when the law was first enacted.

This bill would permit the approval of new materials, which is desirable, but it does not contain any minimum standards or tests for the guidance of the Board of Standards and Appeals when approving new material or when passing upon request for variation.

I do not offer this comment as an objection to the bill because I fully believe that the present Board of Standards and Appeals will exercise their powers with discretion, but I deem it my duty to call your attention to the lack of minimum standards in the bill.

This question was raised by the members of the staff at the Conference when the bill was drafted, but it was the consensus of opinion of the majority present that this was desirable so as to permit approval of materials now on the market and any new materials that may be developed in the future.

The need for an amendment to this section is explained in detail in a memorandum submitted by Mr. Picard, Chairman of the Board of Standards and Appeals.

Frieda S. Miller
Industrial Commissioner

After labor bills, whether introduced by the department or not, have passed both houses of the legislature and have reached the governor, memoranda supporting or opposing them are prepared for the consideration of the industrial commissioner, the head of the department. If these memoranda meet with the commissioner's approval, they are signed and forwarded to the governor.

The Division of Placement and Unemployment Insurance, which has been in the Department of Labor since 1936, follows the practice of expressing its views directly and openly on all bills relating to its work just as soon as the bills are introduced into the legislature. This division issues two informative types of literature in reference to bills introduced initially as its own department measures or sponsored by other sources. The division believes that its chief distinguishing feature in legislative plan-

ning is that it follows "the principle that the desirable social objective must be established first, that the operating procedure must be developed next, and that the questions of policy must be resolved in accordance with the requirements of a good operating procedure, and that the act of drafting legislation comes last. The draft of a bill is merely an expression of the authority which is needed by the administrative agency in order to put into effect the operating procedure which is required for the solution of the problem." Legislative bulletins, thirty-one of which were issued by the division during the 1941 session, outline the status of the measures and state the division's position for or against the proposals, while a second publication, entitled *Explanatory Notes*, analyzes the bills in detail. These publications, however, are not prepared primarily for public use but are intended largely for the benefit of the Department of Labor representatives, who are thus properly fortified for their conferences with legislative leaders. In this way, the division has undoubtedly increased its influence over the progress of legislation in its field.

During the 1941 session more than three hundred bills affecting labor directly or indirectly were introduced. About sixty of these bills became law. Of the forty-three bills proposed by the Department of Labor, thirty-one became law. This record shows how successful the department and its divisions were in adjusting differences of opinion and obtaining general consent to bills before their introduction.

The Integration of Leadership

THE administrative departments of the state are in some ways free to follow their individual policies in furthering legislation, but on major issues they are brought into line with a unified policy by the influence of the governor. The governor's political leadership, his administrative control, his veto power, and his system of clearance all help the administration develop an integrated legislative program.

Strong governors, like strong presidents, have been legislative leaders in whose administrations the state departments have been encouraged to conduct extensive activities to further legislation. While governors in general seem to work under a somewhat different set of handicaps than the national executive, the backgrounds and personalities of recent New York governors have overcome these restrictions to a considerable extent. The constitutional provision for a two-year term for New York governors, in effect from 1894 until the four-year term was adopted in 1938, did not prevent Alfred E. Smith from serving as governor for eight years and Franklin D. Roosevelt for four years. At the beginning of 1941 Governor Herbert H. Lehman had completed eight years as governor after two terms, or a total of four years, as lieutenant governor. With the completion of his current four-year term at the end of 1942, he will have established a new gubernatorial tenure record for New York. Furthermore, recent New York governors in conducting their official duties have shown an extraordinary independence of the dictation of local political bosses. In fact they have been strong enough to effect a change of leadership in a number of local political bailiwicks. They have come a long way since 1913 when the unwillingness of William Sulzer to follow the recommendations and orders of local bosses resulted in his removal as governor of New York after holding this office for less than a year.

It is therefore not surprising to learn that New York governors assume a position of leadership in lawmaking. In 1941 Governor Lehman in two messages to the legislature made a total of forty-six recommendations, a number of which were suggested by the departments. The governor may incorporate a request for legislation in a message to the legislature after a report submitted by an administrative agency. For example, in approving an act to amend the banking law, Governor Lehman stated:

In my annual message to the Legislature I stated as follows:

I recommend a substantial reduction in the rates of interest charged by licensed lenders. These rates should not exceed a maximum of $2\frac{1}{2}\%$ a month on a loan of less than \$100.00 and $2\frac{1}{2}\%$ a month upon the remainder. The present statute permits the making of loans up to \$300.00 at an interest charge of 3% per month on any part of the loan not exceeding \$150.00 and $2\frac{1}{2}\%$ per month on the remainder.

I made the same recommendation to you last year, as the result of a report submitted to me by the Banking Department.

The report indicated that there were 500,000 persons indebted to licensed lenders in this State for an aggregate sum of 58 million dollars. The adoption of the rates which I propose will bring about great savings to these 500,000 small borrowers—savings of \$2,500,000 a year.

The great majority of these people have neither the collateral nor credit-standing to enable them to borrow at cheaper rates from banking institutions. They are compelled to go to licensed lenders. In the main, they borrow for necessitous purposes, frequently to pay for food, clothing and medical care. They are not in a position to bargain for credit. They must accept it on the lender's terms. It is clearly the duty of the State to regulate these terms in order that advantage may not be taken of their dire need.

I am very happy to give this bill, which carries out my recommendations to the Legislature, my approval.

Table 1 indicates that 63 per cent of the bills introduced by the state administrative departments were enacted. It should be remembered that in 1941 both houses of the legislature were controlled by Republican majorities whereas the governor of the state was a Democrat. Between 1919 and 1942 inclusive, Democratic governors served for twenty-two years, a Republican governor for two years. During this twenty-four-year period, one or both houses of the legislature were controlled by the Republicans for twenty-three annual sessions, and only in 1935 did the Democrats control both houses.

The governor was responsible for the selection of the heads of fourteen of the eighteen departments, and he himself was the head of the Executive Department. Some Executive Department bills are recommended directly by the divisions of the department, but even more of them are recom-

mended by the governor in his annual and special messages to the legislature. Bills originating in the Executive Department are not usually drafted by it but are prepared by other departments or by individual legislative leaders. The number would be larger had other departments not been credited with those bills which, at the governor's suggestion, they had asked legislators to introduce.

The governor's veto, of course, is a powerful instrument with which he can keep legislative enactments and administrative recommendations in line with general administration policy.

It is no surprise to learn that the governor is very much interested in knowing the department's views on bills awaiting his action. In 1941 the governor vetoed 376 bills and of these 13 were sponsored by state departments. A detailed consideration of the latter group of vetoed bills further strengthens the contention that these agencies exercise tremendous influence in the enactment of legislation. The vetoes of the two Department of Labor bills were not in conflict with the wishes of that department. In each case identical bills were introduced in both houses of the legislature and both reached the governor. The governor signed the Senate bills only and vetoed the Assembly measures in each case. It therefore would be more realistic to reduce the number of vetoed bills in this category to eleven.

In 1941 the governor recommended to the legislature in his executive budget a reduction of nine million dollars in the cost of government and the elimination of the emergency personal income tax. He therefore urged upon the legislature and the state departments a policy of rigid economy, except for defense purposes, to maintain the state in a sound financial position. Five of the departments' bills that were vetoed—three from the Department of Education and two from the Conservation Department—apparently had not had proper clearance from the director of the budget and provided for increased appropriations. Three of

these bills, the governor indicated, would have added one million dollars to the budget. A sixth bill sponsored by the Department of Taxation and Finance, which would have prevented double taxation upon certain stock transfers, was vetoed by the governor because he did not wish to decrease any further the existing sources of revenue. The second vetoed bill of this department was designed to make the stock transfer tax of New York State conform to that of the federal government. The governor vetoed the measure without a memorandum. However, the Association of the Bar of the City of New York, which ordinarily would support a measure designed to secure uniformity where federal and state taxes were imposed upon the same transaction, disapproved of this department measure because the state law copied an ambiguous and uncertain provision in the federal law. The Bar Association felt that this bill should not be adopted until the liabilities imposed thereby were clarified. The bill of the Department of Audit and Control was vetoed upon the recommendation of the director of the budget, who stated that the bill would amend the finance and public buildings law in essential respects constituting a departure from existing procedure contrary to good budget practice. One of the bills sponsored by the Department of Law dealt with the review by the industrial commissioner of minimum wage standards. It was disapproved by the Department of Labor which felt that the problem should be held over pending the submission of the Benjamin report, *Administrative Adjudication in the State of New York*. The other Law Department bill was concerned with the procedure of the Medical Grievance Committee of the Department of Education. The governor, in vetoing this bill, followed the recommendation of the Department of Education. The executive, while agreeing that the present procedure before the committee was too cumbersome and inflexible, felt that this bill failed to give adequate protection to the public and the profession.

The bill of the Department of Health which provided for the registration of a delayed birth certificate through the surrogate's court if the physician or midwife attending the birth could not be located was vetoed by the governor after the Surrogates' Association of New York State had voiced strong objection to the bill. It was claimed that the proposed change would require a constitutional amendment to expand the duties of the surrogates.

Thus rejection of a department measure by the governor is exceptional. Of the eleven bills actually vetoed, six were in conflict with the rigid economy program of the executive in 1941. Four others were vetoed because of differences of opinion among members of the governor's official family. Such differences frequently take more than one session to adjust.

It is now the accepted practice for the appropriate administrative agency to place on the governor's desk a memorandum on every bill that comes before the chief executive for his approval or veto—in some cases long before the passage of the bill. If for any reason this is not done—particularly in the case of a bill which is not sponsored by a department or which falls between two departments—the governor's counsel calls for a report.

Just as the governor seldom disapproves a departmental proposal, he very rarely approves a bill to which the department objects. Among the few bills enacted in 1941 despite departmental disapproval were a bill setting up a local system of tax collection, which was disapproved by the Department of Taxation and Finance as special legislation, and two bills enacting special civil service legislation, which have since been declared unconstitutional by the Appellate Division of the Supreme Court.

Time and time again the veto message of the governor will state that he disapproves a measure upon the advice of his commissioner. For example, Governor Lehman wrote as follows on March 17, 1941, to the Assembly:

I am returning herewith, without my approval, Assembly Bill Introductory Number 871, Printed Number 952, entitled:

AN ACT to amend the highway law, in relation to state highways in the counties of Herkimer, Lewis and Oneida.

NOT APPROVED

The Commissioner of Highways writes me in part as follows:

"The Department feels there is no justification for the inclusion of this long piece of new highway in the Adirondack section of the State and has continuously indicated its disapproval of the legislation. If it were to become law, many years would elapse before any thought could be given to the construction of a new highway along the route indicated.

"It is recommended that the legislation be *DIS-APPROVED.*"

The bill is disapproved.

At other times, the counsel to the governor may prepare the memorandum for the governor. He may, as the following message to the state industrial commissioner discloses, first consult the appropriate state department.

I am sending you herewith a copy of a rough memorandum which I have just dictated with respect to two bills now before the governor. [In the attached memorandum he recommended that one bill be approved and the other vetoed.]

I am not, however, submitting the bills to the Governor immediately in order to give you an opportunity to take the matter up further.

I realize that the insurers have been most cooperative in connection with these bills and other compensation legislation enacted in the past few years.

Nevertheless, I am deeply concerned about the policy which we will establish if the agreed bill is signed by the Governor.

In 1941 the governor vetoed 28 per cent of all the bills sent to him by the legislature, and on practically every bill affecting an administrative agency the governor knew where that agency stood. The counsel to the governor has stated that on about 90 per cent of the bills the governor follows the recommendations of the departments.

One reason, of course, why the governor vetoes so few administrative department bills is that many of them have been cleared

with him or his office in one way or another before introduction.

The state has not yet developed as central a system of clearance of the proposals of the governor and state departments as have the federal government and the city of New York. The federal practice was described in the last number of the *Review* by Mr. Witte. In the city of New York the administrative agencies submit their proposals to the mayor. These may take the form of drafted bills, which are prepared by the city's legislative representative or by one of the latter's assistants either at the request of the mayor or of the administrative agency. In any case, the city proposals, whether submitted to federal, state, or city legislative bodies for action, are reviewed by the mayor in consultation with his legislative representative and, when necessary, with representatives from the administrative departments. No city administrative agency can openly or officially sponsor a legislative proposal that does not have the stamp of approval of the mayor and thereby become part of the mayor's legislative program. It is perhaps not surprising to find that occasionally a proposal originally sponsored by an administrative body but not approved by the mayor does find its way into the legislative hopper with the sponsorship of some other source.

At Albany the governor reviews with representatives of the administrative departments (particularly those departments whose heads he appoints) the recommendations that form part of his annual and special messages to the legislature. Many of these proposals are drafted by the representative of the bill-drafting commission assigned to the governor's office. The director of the budget is in a key position to advise both the governor and the administrative agency about proposals that require financial appropriations. At the present time informal conferences are held between the administrative departments and the office of the director of the budget, which is supervised by the governor. The chief executive knows

what sort of budgetary program he wishes to propose. He may be mindful not only of total needs of the state at the time but also of the political implications of his suggestions and the political bargaining that may be necessary before he can secure what he wants from a legislature controlled by the opposition party.

At all steps in the legislative process, the counsel to the governor also serves as a useful intermediary between the governor and the administrative departments. He sees that the governor is informed of the views of the departments on the bills before him for his signature or veto, not only on department measures but also on bills which were not sponsored by the departments. It would seem that all the necessary machinery for centralized clearance is now operating at Albany. There might be danger in centralizing clearance in the office of the director of the budget for fear that in matters of policy the director of the budget might cut the cloth according to his own financial pattern. And yet some check is required on proposals advanced by individual administrative departments which pay insufficient attention to the financial obligations entailed therein. This machinery for centralized clearance needs to be tightened so that departments are sure to be informed of one another's proposals which might be of mutual interest and acquainted with the relation of their proposals to the financial structure of the state as a whole.

Legislative clearance of administrative proposals should not be centralized in the hands of a single person or office and thus create a bottleneck through which pet proposals of the central agency might pass expeditiously and others encounter unnecessary delays. Once the preliminary stages are passed, in which there is an exchange of information among departments, the office of the director of the budget, and the governor, the representatives of the departments should advance their own programs in the legislature and again before the governor. The departments are most familiar with

their own programs and can therefore tell the most convincing story.

Democratic Control

IN A complex society new policies cannot be initiated solely on the basis of political debate but must be constructed carefully on the basis of existing organization and techniques. Administrative departments, by virtue of their possession of essential information and an over-all point of view, must play an important part in the formulation of new legislation.

Clearly the legislature wants the governor and administrative departments to give their views on legislation before it makes its final decision. Clearly, too, the legislature is free to consider proposals from any and all sources and to reject those from administrative agencies. The fate of the bills introduced in 1941 shows convincingly that the legislature is by no means a rubber stamp of the state departments. For example, the proposal of the Department of Agriculture and Markets to make each day of unlicensed selling of milk a separate violation was considered too drastic and was never reported out of committee. Another bill relieving milk dealers of certain administrative requirements was considered too lenient. A bill of the Department of Taxation and Finance to give it authority to fix the taxable year was killed as giving the department too much authority. No evidence could be found to indicate that careful consideration was not given the departments' bills, although in some quarters of the legislature there was a feeling that no department should get all it asked for at any one session. Some departments succeeded in getting a larger percentage of their bills enacted than others. This result might be due as much to the nature of the bills as to the attitude of the legislature toward the departments or to the governor's interest in the departments' programs.

The administrative agencies, through their field staffs and through their contacts with private groups, have made it possible for the legislature more effectively to ap-

praise public opinion and adjust public opinion to technical and organizational problems.

Perhaps the public is gaining an additional effective method of representation through such administrative departments as Health, Social Welfare, and Agriculture and Markets which operate through a large army of field workers spread throughout the state. Too great recognition cannot be given to the local and central agents of the departments who come in contact with the people in local communities and thus are able to check the all too often biased claims of organized minorities. The departments themselves are by no means closed bureaucracies, for representatives of the public serve on special commissions and on special boards of the departments and their divisions. In choosing such representatives, the governor and the department heads must take care to see that the backgrounds and private connections of these representatives do not make them unduly sympathetic to one side or the other of conflicting interests.

The informal system of consultation and hearings by administrative departments has made it possible for private groups to obtain more thorough hearings on their objectives and to discuss in greater detail with the administrative departments the legislative programs that they advocate. One department official, when asked whether the departments should make public the proceedings of the legislative conference to which members of private groups had been invited, replied that publicity and a more formal procedure would be a mistake because they would invite the abuses already too common in the legislative process. The informality of departmental hearings, in other words, makes it more difficult for professional lobbies to grow up around administrative agencies as they have in the legislature.

Yet unquestionably the processes by which administrative departments deal with private groups in formulating legislation present difficulties and dangers. The repre-

sentatives of the organized groups with whom the administrator works in the preparation of legislation are, as often as not, selected by him. In this connection the specific question of the representativeness of the private agencies may be raised. Is there any danger that unrepresentative agencies may unduly influence administrative bodies? Specifically, do the departments make any attempt to appraise these groups in terms of the actual or potential membership of all those who might legitimately be members of the particular organizations with which the departments meet? To what extent do the departments recognize jurisdictional disputes among a number of associations, each of which argues that it and it alone is entitled to negotiate for the interests involved in the proposed legislation?

In general the departments are very generous of their time and assistance and usually give full and free advice to private groups or individuals who seek it. However, the representative of a group may not achieve his legislative purpose with the help of a department. If the representative of the special group finds the administrative department unsympathetic, he must then resort to the legislature, where he has an unquestioned right to participate in legislative hearings, to seek publicity in the press, and to support or oppose legislators because of the stand that they have taken on his bills. He is likely soon to learn that persistence in his legislative efforts is necessary, as are a conciliatory attitude and the ability to present in support of his position data that will demand the respect of the legislature and the general public.

Some private groups have found themselves unable either to get administration support for their proposals or to get enough popular support to force consideration of them by the legislature. The legislature has neither the will nor the time to oppose a department unless a large group of constituents demand that it do so. A bill of more than one or two pages has very little chance of consideration without official backing or

general popular support. One national association spent several years in careful revision of a little-known section of a law and prepared a consolidation and revision of that section in a bill of seven or eight pages. The legislator who was asked to introduce it refused to consider anything of that length which was not of greater general importance. The association preferred not to have a temporary legislative committee set up to study the question on the grounds that it feared administrative domination of any committee established.

Either the department or the pressure group may be at fault in such a situation. A proposal is not necessarily technically correct because a department supports it, but neither is it necessarily the will of the people because the department objects to it. Administrative agencies in general, perhaps even more than private organizations, are eager to conform to public sentiment and to the general wishes of the legislature.

Private groups, like the administrative agencies, have their obligations to the public in the matter of formulating legislation. Private groups, working in close cooperation with departments, should base their suggestions and recommendations, before passing them on to administrative agencies, on

sound research and on the views of their members. The membership of an organization or association may not be able to have positive views on all detailed questions on which they expect their agents to represent them, but they ought to be assured that the officers of their organization are properly qualified to act for their interests. The influence of more or less permanent officers of a private organization on career administrative officials may be of greater importance to the organization than influence over the shifting personnel of the legislature.

The sources of legislation in a modern state government reach deep into all parts of our society. The influence of administrative agencies has come to be perhaps the most important single influence on the legislature because of the quantity of their information and the breadth of their point of view. The extent of their influence is a natural corollary to the importance of the work they have been called on to undertake. As the importance of administrative considerations in the formulation of legislation increases, greater watchfulness on the part of the public and a more strict sense of responsibility on the part of the administrative departments are required.

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Alexis de Tocqueville and Public Administration

By LOUIS SMITH

Berea College

SLIGHTLY over a century has passed since Alexis de Tocqueville published the final volume of his great work on *Democracy in America*. This study, which was received with great acclaim on both sides of the Atlantic at the time of its publication, has survived to become one of the few real classics in the literature on American political institutions, though like many classics it has been perhaps more highly regarded than frequently read. As the American scene changed from what it was when he visited our shores, and other and more recent observers described our ways and speculated upon our future, Tocqueville's works tended more and more to gather the dust of disuse, and his name, though still honored, to recede more and more into the darkening shadows of time. But with the advent of the one hundredth anniversary of the appearance of his book, many scholars paused to reconsider this early critic of our institutions and rendered homage to his memory by a considerable number of books, articles, and addresses.

More important, perhaps, than this centennial occasion in bringing Tocqueville's works back to notice was the maturing of certain political trends, to which he had called attention ten decades ago, into social conditions which very dramatically confirm some of the pessimistic predictions he had made as to the future of democracy. Alexis de Tocqueville, who had been regarded previously as one of the minor, though authentic, voices of the nineteenth century, has, with the rise of the new mass states of the present time, achieved a considerable refurbishment of his reputation. Indeed, by

some recent critics he has been ranked, no doubt extravagantly, as a political scientist next in rank only to Aristotle and Machiavelli and as the unerring prophet of the mass state, of democratic despotism, and of totalitarian equality in servitude.

Despite the wealth of comment elicited by this recent rediscovery of Tocqueville, one important aspect of his career has passed almost completely unnoticed. This neglected aspect of his work is his significance as a thinker on public administration and as an advocate of reforms in the system prevailing in his country. While this is a less spectacular aspect of his career than his role as the gloomy prophet of the despotic tendencies of evolving democracy, he was unquestionably a shrewd and penetrating analyst of public administration, and it is rather surprising that his contribution in this field has been so generally neglected. It is the purpose of this paper to present some of the important materials on the administrative phase of his thought and action. This account can hardly be complete, partly because of lack of space in this *Review*, but principally because many of the pertinent documents are in the Tocqueville family archives in occupied France. But the main outlines of his thinking on public administration are clear, notwithstanding the inaccessibility of some desirable documents. Tocqueville's mind was continually turning to things administrative, and in his correspondence, which was extensive, and in his published works, which are not so numerous as one might desire from so gifted a political scholar, he speaks his mind very fully on a number of topics of importance to present-

day students of public administration.

Indeed it may be said truthfully that Tocqueville's approach to his studies was from the administrative side. Whether he was traveling in a far country which he was studying firsthand or delving into the dusty archives of a long-vanished regime, he was always importantly preoccupied with the channels and directions of the public administration, with those who piloted it and the people whose lives were touched by it, with the machinery it operated and the results it obtained, with the bench marks of its high and low tides through the years, and with the dikes erected to keep it within its course.

Tocqueville had an excellent background for understanding public administration. His father, who served many years as prefect of various French departments, was a man of eminently fine ability and was generally reputed to be one of the outstanding public administrators of his time. As a young man, Alexis served as secretary to his father and thus came into intimate contact with that stream of administrative matters which constantly flowed through the office of a prefect of an important department of France. Later he held a number of responsible administrative positions in his own right and thus was enabled to mature his understanding of this phase of government. He came to believe in a science of administration and commented upon it in the following shrewd fashion:

. . . the art of administration may undoubtedly be ranked as a science, and no sciences can be improved if the discoveries and observations of successive generations are not connected together in the order in which they occur. One man, in the short space of his life remarks a fact; another conceives an idea; the former invents a means of execution, the latter reduces a truth to a fixed proposition; and mankind gathers the fruit of individual experience upon its way and gradually forms the sciences.¹

Tocqueville's Life

BUT before examining in detail the administrative thinking of Tocqueville, it may be helpful to give a brief account of his life

¹ Alexis de Tocqueville, *Democracy in America*, translated by Henry Reeve (The Colonial Press, 1900), I, 214.

and work. He was born on July 29, 1805, at Verneuil, in the department of Seine-et-Oise, and was the third son of Count Hervé de Tocqueville. His family was an ancient and distinguished one, being connected by blood or marriage with some of the first families of the nation. His father, an aristocrat of the Old Regime, had been imprisoned during the Revolution and had barely escaped the guillotine in those bloody days of horror when the members of his class were being systematically exterminated. Young Alexis grew up, therefore, in an *Ancien Régime* household in the midst of a society which was chronically stirred and intermittently convulsed with the vigorous, violent spirit of the Revolution.

At school he distinguished himself as a student, showing marked ability in rhetoric and history. He trained for the law and at the age of twenty-five entered the public service as a magistrate in the law court at Versailles, in the same department of which his father was prefect. When he took the oath for this position, some of his friends in the nobility affected to be scandalized and one of them said to him in reproach: "Your ancestors were all men of the sword, and you wear the robe."² Despite the fact that Tocqueville's father had set him the precedent of a distinguished civil career, this sort of comment is not surprising. It was traditional for the younger sons of the nobility to enter the army, and Tocqueville, the descendant of a family long distinguished for its martial talents, understandably might have been expected to do likewise. Of the military tradition in his family, Tocqueville once wrote: "My grandfather and great-uncle died in battle, or of their wounds. Their father and grandfather did the same." One of his remote ancestors was in the army of William the Conqueror and, according to family tradition, fought valiantly at Hastings. But Tocqueville, whose earliest memories were of a France bled white by the sanguinary campaigns of Napoleon, had few

² Eugène d'Eichthal, *Alexis de Tocqueville et la Démocratie Libérale* (Calmann Levy, 1897), p. 263.

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illusions as to the glory of a military career. Moreover, he was not impressed with an aristocracy which, as he described it, knew "how to die, but not how to govern."¹

By both temperament and conviction he was averse to being a soldier. He turned instead to the magistracy, not so much from a liking of that particular kind of a place but because it offered him a springboard from which to launch a career in the politics of his country. As time passed, it must be admitted, he found the bench rather dull in its routines and narrow in its range of subject matter and was afraid it would blunt his intellectual powers and stifle his ambition. Of this fear he wrote to his friend Count Louis de Kergorlay:

I become more and more engrossed by my business, and see so little of my acquaintances or my friends, that I sometimes fear that I shall grow in time into a sort of law-machine, like most of the members of my profession, devoted to their own special line, as incapable of judging a great movement, or of guiding a great undertaking, as they are capable of drawing an inference, or discovering an analogy. I had rather burn my books!²

Mission to America

As a means of escaping the boredom of the bench and, more importantly, of being absent from France during the period in which the government of Louis Philippe was being established and thus escaping some of the political embarrassment of taking sides, he secured permission to come to America to make a study of important reforms then taking place in the penitentiary systems of several of the states. On this mission he was accompanied by his long-time friend Gustave de Beaumont, who was a most congenial and capable colleague. The great result of the American tour was not the joint report they made on the American penal system, ably prepared though that document was, but rather Tocqueville's superb study of *Democracy in America* which established his reputation as one of

the important political analysts of his day. Very shortly after the publication of this work he was elected a member of the French Academy of Moral and Political Science. A few years later he was even more signally honored by being named a member of the French Academy, that lofty seventh heaven of recognition reserved for the supergreat of French scholars and men of letters. His book gained him a strong reputation in England and led to the formation of friendships with many leading English intellectuals such as Henry Reeve, John Stuart Mill, George Grote, and Nassau William Senior.

In 1837 he entered French politics by running for the Chamber of Deputies in his home district of Valognes. Defeated in this first attempt, he offered himself again two years later and was overwhelmingly elected. From 1839 to 1848 he represented this *arrondissement*. From 1842 to 1848 he served as a member of the *Conseil général de la Manche*, on which he represented the cantons of Sainte-Mère-Eglise and Montebourg. The duties of this position kept him in the closest contact with local administration. This experience, combined with his observation of the fine qualities of the town-meeting type of government he had encountered in the New World, doubtless greatly fortified his conviction as to the superior virtues of an autonomous local administration of affairs of purely local importance, a conviction he warmly held and unfailingly sought to propagate among his fellow countrymen. His work on the *Conseil général* constituted a brilliant public service. Of his work here, his most recent biographer, J. P. Mayer, says that it was distinguished by "a thorough grasp of detail, a complete mastery of the politically possible, and, not least, by a rare sense of social and humanitarian responsibility."³

He regretted the Revolution of 1848 and the dethronement of Louis Philippe, not, however, from any sense of admiration for that petty-dimensioned ruler but rather be-

¹ Gustave de Beaumont, ed., *Memoir, Letters, and Remains of Alexis de Tocqueville*, translated from the French (Ticknor and Fields, 1862), II, 279.

² *Ibid.*, I, 286.

³ J. P. Mayer, *Alexis de Tocqueville: A Biographical Essay in Political Science* (The Viking Press, 1940), p. 68.

cause he had the gravest misgivings as to the future of France, exposed as it was to the whims of an unstable populace and the reckless ambitions of political adventurers. He considered it his duty to make his contribution to the construction of the new government and accepted a place on the commission entrusted with the task of drawing up a new constitution. His contribution to this enterprise was undistinguished. It was a major disappointment to him that he was unable to persuade his colleagues to accept his views on the kind of administration best suited to the efficient and democratic government of France. After the failure of his effort to secure the administrative decentralization of the new government, he gave up attempting to write his major ideas into the constitution of the Second Republic and in the remainder of the proceedings played a role which, while not without some influence as to significant details, was distinctly secondary with reference to the more fundamental aspects of the new political system.

Tocqueville distrusted Louis Napoleon and opposed his candidacy for the presidency. After the election of that worthy, however, he consented to accept the post as his Minister of Foreign Affairs, a place he held for approximately nine months. At the end of this time, Louis Napoleon eliminated from his ministry those who were opposed to his ambition of advancing from the presidency, with all of its petty limits to his power, to a position more in keeping with the imperial dimensions of the Bonaparte tradition. After the coup d'état which brought in the Second Empire, Tocqueville retired completely from politics and devoted himself again to writing. His most important work of this period was his *L'Ancien Régime et la Révolution*, a brilliant first installment of what he hoped to make a complete analysis of the major social forces the French Revolution had bequeathed to subsequent generations. Another important work was his *Souvenirs*, a very frank account of his part in the political events which transpired in France from the outbreak of the Revo-

lution of 1828 until his resignation from the foreign ministry in October, 1849. This work, which contains a painstakingly comprehensive character analysis of Tocqueville's principal political associates and is at times brutally explicit in its details, was never intended for publication and did not appear in print until a number of years after the author's death. Tocqueville was always frail and given to bronchial weaknesses. In June, 1858, while he was in the midst of his work on a second volume of his *Ancien Régime*, he broke a blood vessel in his lungs and entered on the rapid physical decline which terminated in his death at Cannes in April, 1859.

Personal Characteristics

TOCQUEVILLE aspired to greatness as a political leader. He wished to play a grand role in shaping the destinies of his generation. In this hope, despite a very considerable influence in French national politics, he was destined to fail. As Harold Laski says in his penetrating essay on Alexis de Tocqueville:

He was an aristocrat who realized that new forces threatened at every turn the qualities of life he most deeply cherished. Sensitive, timid, indifferent to public applause, proud, but unwilling to stoop to conquer the objects of his ambition, made for reflective solitude, yet with a constant yearning to play his part in the theatre of great events, a man of the study who longed to be the leader of the party . . . it was his fate to watch, with a full understanding, events he did not know how to control. . . . He who longed to be an actor in a drama was given only those qualities which make for the supreme commentator upon the play. . . . He lacked altogether that joy in taking decisions, that ardour for combat, that art of clothing general truths with a pungent sense of direct immediacy, without which no politician can lead a party.¹

Many illustrations of this temperamental unsuitability of Tocqueville for political leadership can be found. A few will be given here. In the first place, he had too little love

¹ Harold J. Laski, "Alexis de Tocqueville and Democracy," in *The Social and Political Ideas of Some Representative Thinkers of the Victorian Age*, ed., F. J. C. Hearnshaw (Harrap & Co., 1933), p. 101.

for people to succeed with the masses of mankind as a leader of a popular cause. The essence of his attitude is contained in a letter to his friend Kergorlay. "I love mankind in general," he wrote, "but I constantly meet with individuals whose baseness revolts me. I struggle daily against a universal contempt for my fellow-creatures."¹ All his life he failed to understand the imperatives which produce party organizations. He could not bring himself to accept the easy camaraderie of the party group. He was incapable of the compromises required to fit strong individuality into the more general patterns of collective action. He abhorred routine, he despised the banal, and he found himself monstrously bored by the multiple commonplaces which weigh so heavily in the agenda of legislative bodies. He preferred remaining alone on the lofty peaks of his own intellectual and moral conceptions to descending into the lobbies and clubrooms of the parliamentary assembly, where he might enjoy the society of ordinary men and ingratiate himself into their affections. To a few friends, whom he considered his social and intellectual equals, he could be unfailingly charming, accommodating, and devoted. But outside that charmed circle, he was unremittingly formal and cold, repelling men, not by an angry arrogance, but by a punctilious *froideur* which forever seemed to be placing a wall of ice between Tocqueville and the rank and file of humanity. He well described this aspect of his temperament when, at the close of his political career, he wrote the following in his *Souvenirs*:

The trick of the trade, in a party leader, is to be able to mix continually with his followers and even his adversaries, to show himself, to move about daily, to play continually now to the boxes, now to the gallery, so as to reach the level of every intelligence. . . . These are all things of which I am quite incapable. I find it troublesome to discuss matters which interest me little. . . . And as to consorting with men, I could not do so in any habitual and general fashion, because I never recognize more than a very few. Unless a person strikes me by

something out of the common in his intellect or opinions, I, so to speak, do not see him. I have always taken it for granted that mediocrities, as well as men of merit, had a nose, a mouth, eyes; but I have never, in their case, been able to fix the particular shape of these features in my memory. I am constantly inquiring the name of strangers whom I see every day, and as constantly forgetting them; and yet, I do not despise them, only I consort but little with them, treating them as constant quantities. I honour them, for the world is made up of them; but they weary me profoundly.²

He was an incorrigible perfectionist, particularly in the moral sphere, and was genuinely distressed with lesser men, not merely because they failed to share his devotion to the highest standards but also, alas, because they failed to agree with him as to what were the highest standards. That the flexible virtue and moral blind spots of his more politically minded associates would be repugnant to him is readily understandable. In a letter to Eugène Stoffels, who belonged to the charmed circle of his intimate friends, he complained about the political world in which one meets only with cold hearts, capable of no concerns except petty ones, and of no enthusiasm except for that which benefited themselves. Continuing in this vein, he said:

... the side of human nature disclosed by politics is, indeed, miserable. Without a single exception, one may say that perfect purity and disinterestedness are unknown, that there is no real generosity or natural impulse. Even the youngest are no longer young. In moments of the highest excitement there is an undercurrent of cold selfishness and premeditation. Such a spectacle cannot fail to drive one back upon one's self; one seeks elsewhere for a purer mental atmosphere. I have entered public life, I like its excitement, and the great interests involved in it stimulate my mind; but there are many things absolutely wanting in it, without which I cannot live.³

It must not be assumed from the foregoing that Tocqueville was completely devoid of influence among his parliamentary associates. If they found him personally cold, uncommunicative, and uncooperative,

¹ Alexis de Tocqueville, *The Recollections of Alexis de Tocqueville*, translated by Alexander de Mattos (Macmillan Co., 1896), pp. 110-11.

² Beaumont, *op. cit.*, I, 387-88.

³ Beaumont, *op. cit.*, I, 300.

they were compelled to recognize the purity of his motives, the profundity of his insights, and, most of the time, the cogency of his warnings. If he lacked party power, he did possess a certain parliamentary influence, and his pronouncements, though at times more Olympian than of this world, were listened to with respect, even if his admonitions were rarely followed. He served as a sort of unofficial conscience for the house and by the sheer weight of his logic and the authority of his knowledge immeasurably elevated the character of its legislative deliberations.

The side of parliamentary life in which he shone to best advantage and in which he wielded his most durable influence was in the analysis of administrative institutions and in the discussion of proposals designed to effect reforms in this administration. In the volumes of his collected papers or in the time-yellowed pages of *Le Moniteur*, one may today find numerous reports and recommendations dealing with administrative matters prepared by Tocqueville on the authorization of the Chamber of Deputies. His reports on prison administration, on the development of the harbor at Cherbourg, and on the reform of colonial administration show him at his best. His studies of the administration of Algeria and his recommendations for the reform of that administration have an interest today which is perhaps more than historical. The present-day reader may find in them a very mature grasp of administrative matters and a conception of sound organization almost as rich in insights applicable to the present time as to the conditions of a century ago.

Of all Tocqueville's works, however, the study of *Democracy in America* is unquestionably the most important. After a century, it remains the outstanding philosophical analysis of American political institutions. It contains many of the most brilliant observations of Tocqueville on public administration and the bulk of the materials of this essay will be taken from it. But before these materials may be most

profitably presented, it seems necessary to look briefly at the environment in Jackson's America that these young French intellectuals encountered. They found America poised between two eras, caught in a brief balance between the end of the era of the founding fathers and on the threshold of the day when new men and new forces would bring about a wholesale, though far from total, transformation in the American scene. Their evaluation of American institutions and their estimate as to their future were deeply affected by the rather special nature of the conditions which they happened to encounter at the particular time of their visit.

America in the 1830's

THE United States which Tocqueville and his friend toured in the 1830's occupied principally the territory east of the Mississippi River. Only two of the twenty-four states of the time were west of this great river. It was a rural America, with fewer than 7 per cent of its thirteen million people living in urban localities. Agriculture was the principal occupation. The ax and the plow, in the hands of hardy American backwoodsmen, were reducing the primeval wilderness to a crude but rather productive state of cultivation. Land was virtually to be had for the taking and all America seemed looking westward in a ferment of migration and change. The trans-Appalachian landscape was dotted with ten- to twenty-acre clearings set in a sea of tall timber and green branches. As one followed the narrow trails through the half-cleared wilderness, the most characteristic sounds were those of the ax and of newly cut timber crashing to earth. The farmers raised few crops for the market but lived in a plain and comfortable self-sufficiency from the produce of their own acres. These hardy individualists, the living models from whom Emerson drew his maxims of self-reliance, asked nothing more than to be let alone by all outsiders and to be permitted to work out their own salvation. They were brave and industrious, proud as

princes, despite their crude log cabins and coarse homespun, and cocksure of the overweening superiority of all things American.

By the 1830's the elder generation of American statesmen had disappeared from their places of power, and new men chosen by the processes of universal manhood suffrage were in the saddle. The states' rights political philosophy was in the ascendancy, and the prestige of the federal government had been somewhat impaired. The bulk of governmental contacts with individuals took place at the local level. Economics was a simple science; industry was relatively unimportant and largely local in its scope; a few local railroads existed, but without much significance; no large metropolitan centers dotted the landscape, creating new markets and new governmental problems. To quote Frederick Jackson Turner, who was one of the ablest historians ever to deal with this period:

Along with individualism, self-reliance, and equality, went antagonism to the restraints of government. . . . Population was sparse and there was no multitude of jostling interests, such as accompanied dense settlement and required a complicated system of government. There were no intricate business relations to need the intervention of the law. Society itself seemed to have dissolved into its individual atoms, at the same time that tradition, precedent—in a word the past—lost its power by this migration into the new world beyond the mountains.¹

When Alexis de Tocqueville arrived at Newport, Rhode Island, on May 10, 1831, he was only twenty-six years of age, certainly a rather tender age for one embarking upon so ambitious a project. Although he came to America ostensibly to study the penitentiary system and was to devote a great deal of time to that project, his real reason for coming was to study democracy as it manifested itself in the New World. America was merely the frame; democracy was the picture he wished to show. As he described his purpose in a letter to his friend Kergorlay, he wished "to show men if possible how in a democracy

they may avoid submitting to tyranny, or sinking into imbecility. . . . To labor for such an object is, in my mind, a sacred calling, in which one must grudge neither one's money, one's time, nor one's life."² Assuredly, this was an ambition not in proportion to the tender years and scanty experience of the young traveler. But his precocious vision of the future of democracy showed it to contain the alternatives of great good and great evil. By forethought and timely action on the part of the governors, the evils might be avoided and a better society for the masses of mankind obtained. Tocqueville believed it to be his great mission to awaken his generation to its dangers and to stimulate its governors to take the necessary action to avert the catastrophe. As he saw it:

The first duty which is at this time imposed upon those who direct our affairs is to educate the democracy; to warm its faith, if that be possible; to purify its morals; to direct its energies; to substitute a knowledge of business for its inexperience, and an acquaintance with its true interests for its blind propensities; to adapt its government to time and place, and to modify it in compliance with the occurrences and actors of the age. A new science of politics is indispensable to a new world.³

Travels in the United States

TOCQUEVILLE and Beaumont spent only nine months in their study of democracy as it existed in America. In terms of distances covered, institutions examined, important personages interviewed, and work produced, the tour is astonishing. The two young Frenchmen ranged from New York to Albany to Buffalo to Detroit to Montreal, back to New England, with stops at Boston and Hartford, and then made their way back to New York. This tour took four months of exhausting travel which taxed them to the limits of their endurance. With only a brief pause at New York, the two friends were off again, this time on a tour of the South. Their first stop was at Philadelphia, then to Pittsburgh, and later down the picturesque Ohio to Cincinnati by

¹ Frederick Jackson Turner, *The United States, 1830-1850* (Henry Holt & Co., 1935), p. 20.

² Beaumont, *op. cit.*, I, 315.

³ *Democracy in America*, I, 7.

steamer. On the way from Cincinnati to Louisville they had a narrow escape from death when their steamer ripped out its bottom on a sunken rock in the river. They had to walk twenty-five miles into Louisville. Later they started for Nashville by stagecoach in the most bitter subzero weather known in the history of that section up to that time. From Nashville they went overland to Memphis over roads which were nothing more than narrow passageways through the thick woodland, and incredibly rough every foot of the way. Tocqueville suffered a short but quite serious illness on this stage of the journey and perhaps began the pulmonary trouble which was later to terminate his career. Leaving Memphis, they went down the broad Mississippi by steamboat to New Orleans. Tarrying only briefly in this city in which they saw so many traces of their own homeland, they journeyed back through the southern and middle Atlantic states to Washington. They remained about ten days to observe the national government in action and to interview some of its outstanding figures. Leaving Washington, they returned to New York, and after a hasty visit with some of the friends they had met there earlier, they embarked for France on the 20th of February, 1832, with a vast stock of notes in their *cahiers* and a multiplicity of new ideas buzzing in their minds.

Since the official purpose of their mission was to investigate the American prison system, it was natural that they should spend much of their time on this side of the Atlantic investigating some of the more outstanding penal institutions, particularly those in which new experiments were being conducted in the reformation of criminals. They remained quite a while at the prisons at Sing Sing, Wethersfield, Auburn, and Philadelphia. Shortly after their return to France they published their study.¹ It was

¹ Gustave de Beaumont and Alexis de Tocqueville, *Du Système Pénitentiaire aux États-Unis et de son application en France, suivi d'un appendice sur les colonies pénales et de notes statistiques* (Charles Gosselin, 1835, 1840).

a notable success, not only having a warm reception among French advocates of penal reform but also being well received in translation in the other countries of western Europe.

These French visitors were not at all interested in making a mere traveler's sketch or geographical study of the United States; it was the political and intellectual landscape in which they were interested. In order to acquaint themselves with the important aspects of this subject matter, they made it a point to meet and discuss their ideas of the American scene with as many of the leading figures of the time as possible. These American leaders, at first flattered by the interest of their foreign interviewers and later impressed by their intelligence and sincerity, were usually very cordial in their response and generous with their time and information. Tocqueville and Beaumont missed very few of the important figures in American politics and society. Among the eminent individuals they met and were influenced by are the following: Chancellor James Kent, Jared Sparks, John Quincy Adams, Sam Houston, Joel Roberts Poinsett, Francis Lieber,² Albert Gallatin, Joseph Story, Edward Livingston, and William Ellery Channing. They met briefly with President Andrew Jackson, but that worthy was not in the mood to converse with a couple of itinerant Frenchmen, and the interview was hardly a happy one. They also met the aged Chief Justice John Marshall and, casually, in the midst of a political campaign, Henry Clay, the eloquent westerner of whom they had heard so much. They do not appear to have been at all impressed with either of these individuals.

Tocqueville's method of interviewing was a good one. He came to learn and not to argue or convert. As he stated his purpose

² Francis Lieber published a translation of their prison report for American readers. It may be that the retention of the word *bureaucracy* in this version was the first introduction of that term into the vocabulary of American politics. See G. W. Pierson, *Tocqueville and Beaumont in America* (Oxford University Press, 1938), p. 713n. Pierson's book contains a very comprehensive and highly readable account of their journey.

to his friend Eugène Stoffels, he came with "the intention of examining as fully and as scientifically as possible, all the springs of that vast machine—American society. . . ."¹ His method of interviewing was an excellent one and is well summarized in a letter he sent to Count Louis de Kergorlay, who was thinking of making a study of Germany similar to Tocqueville's study of the United States and had written him for advice. He wrote to Kergorlay as follows:

... it is most important to mix with as many people as possible; and by making each talk on what he knows best, to draw out of him all that you can in the shortest possible time. It is good, too, to make men talk of one another. This sort of information is precious; and as you do not intend to communicate it, you may innocently obtain it. . . . I should also, as an experienced traveller, advise you to listen to every one and take part with no one. You are a foreigner; you need not have an opinion on [their] affairs. Only say enough to make your interlocutor develop fully his ideas. Above all, be on your guard against a tendency natural to you, . . . that of associating only with those whom you esteem. Write a great deal; you cannot write too much. . . . Never lose an opportunity of seeing things, or above all of making acquaintances.²

When Tocqueville's own serious limitations in interpersonal contacts are brought to mind, this seems highly inconsistent counsel for him to be giving. But however narrow his social contacts were in his home country, Tocqueville, while abroad, appears to have taken quite fully the advice he gave to his friend Kergorlay. As indicated above, he definitely made it a point to meet the leaders of American society, but he, nevertheless, did not neglect to converse with the more lowly among the population. On his excursions he was out to learn and he drew the line at no man, however situated, who could contribute something to his understanding. Even criminals might serve his purpose as teachers, and he spent a great deal of his time interviewing them in their solitary cells in order that he might better understand the psychological effects of the

new prison techniques upon them. He sought out the city mechanic, the back-country farmer, the river roustabout, the buffalo hunter, the small tradesman, and many others of the lowly. He was considerably impressed by their shrewdness and competence, and in a letter home spoke his admiration for "the curiosity and precise information of those long Yankees, who used to go on chewing their tobacco while they were talking to us; but who every day taught us something that was new and useful."³

Appraisal of Administration

IN HIS *Democracy in America*, Tocqueville gives an acute, though fragmentary, picture of the public administration of the time in the United States. Because of his excellent training and fine background in administration, he was able to apply to the American system standards of evaluation and techniques of analysis virtually unknown on this side of the Atlantic. He was perhaps the first investigator to appraise administrative practice in the United States in terms of such concepts as hierarchy, discipline, integration, responsibility, coordination, personnel practice, degree of professionalization, and the like. Few Americans of that day were using those terms or examining our institutions from the point of view which is implicit in them.

What struck Tocqueville first was the almost complete absence of what might be called formal administration. Accustomed in Europe to having a *fonctionnaire* always at his elbow, he was astonished to find his opposite number so little in evidence in America. "Nothing," he wrote, "is more striking to an European traveller in the United States than the absence of what we term the Government, or the Administration. Written laws exist in America, and one sees that they are daily executed; but although everything is in motion, the hand which gives the impulse to the social ma-

¹ Beaumont, *op. cit.*, I, 367.

² *Ibid.*, I, 307-8.

³ *Ibid.*, II, 130.

chine can nowhere be discovered."¹ His friend, Gustave de Beaumont, was impressed by the same circumstance and expressed his feeling in the following language: "Each one . . . remains indifferent to the administration of the country, to occupy himself with his own affairs. Thus all of the skill of the government, here, consists in not making itself felt, and the less the administration administers, the more content people are."²

Brought up in the rather strict traditions of the French public service, Tocqueville was astonished at the free and easy ways of American officialdom. His comment on this point may be of interest:

The public administration is, so to speak, oral and traditional. But little is committed to writing, and that little is wasted away forever, like the leaves of the Sibyl, by the smallest breeze. . . . I am convinced that in fifty years it will be more difficult to collect authentic documents concerning the social condition of the Americans at the present day than it is to find remains of the administration of France during the Middle Ages; and if the United States were ever invaded by barbarians, it would be necessary to have recourse to the history of other nations in order to learn anything of the people which now inhabits them.

The instability of the administration has penetrated into the habits of the people: it even appears to suit the general taste, and no one cares for what occurred before his time. No methodical system is pursued; no archives are formed; and no documents are brought together when it would be easy to do so. Where they exist, little store is set upon them; and I have amongst my papers several original public documents which were given to me in answer to some of my inquiries.³

Tocqueville was not impressed by the caliber of personnel to be encountered in American public life. On all three levels of government, public functions appeared generally to be entrusted to individuals of very moderate pretensions. Usually they were mediocre; in some instances they were corrupt. Here and there, he met one who was actually illiterate, and he greatly marveled thereat. On the frontier, in particular, he was amazed at the general rarity of talent

and virtue in the persons in authority. The great rewards, he noted, were to be found in the economic realm. Consequently, the best talents in America were going into economic pursuits, leaving to government mainly the second-rates. He was struck by the great number of public officials who had in their earlier careers been forced into bankruptcy by the failure of their private businesses and remarked in some disgust that "a man does not undertake to direct the fortune of the State until he has discovered his incompetence to conduct his own affairs."⁴

Effect of Elective System

UNDER the elective system, which was coming increasingly in vogue in the United States for almost all positions in the government, he noted that "no political career can, properly speaking, be said to exist."⁵ The shortness of terms and the predisposition of the electorate to consider duration of tenure a handicap rather than an asset made it impossible for individuals to attain the highest proficiency in their duties or to aspire to rising to higher positions on a basis of merit. As Tocqueville expressed it, "In the United States the democracy perpetually raises fresh individuals to the conduct of public affairs; and the measures of the administration are consequently seldom regulated by the strict rules of consistency or of order."⁶ Rotation in office was the order of the day. The authority which public men possessed in America was so brief, and they were so soon commingled with the ever changing population of the country that little evidence of the collective existence of a political or an administrative class might be seen. There was no such thing as a permanent body of functionaries with a formal organization or even an informal and durable community of interest to agitate for the rights of those in governmental employ. Incumbency in office was looked upon as being merely a brief interlude in a total career which might in-

¹ *Democracy in America*, I, 69.

² Quoted in Pierson, *op. cit.*, p. 370.

³ *Democracy in America*, I, 213-14.

⁴ *Ibid.*, I, 210.

⁵ *Ibid.*

⁶ *Ibid.*, I, 188.

volve a great variety of occupations in its course. Tocqueville recognized that the brevity of official careers was simply the governmental parallel of a tendency practically universal in American society in the 1830's. Of this he wrote:

An American takes up ten occupations in a lifetime, leaving them and returning to them again: he continually changes his place of abode, and perpetually undertakes new enterprises. . . . Change seems to him to be the natural state of man, and how should it be otherwise? Everything around him keeps up an incessant movement—law and opinions, public officials, fortunes, even the earth itself changes her face from day to day. Surrounded by this universal movement, it would be impossible for the American to remain passive.¹

He found no evidence of any administrative hierarchy in the United States. This fact he described in the following language: "As the officers are everywhere elected or appointed for a certain period, it has been impossible to establish the rules of a dependent series of authorities; there are almost as many independent functionaries as there are functions, and the executive power is disseminated in a multitude of hands."² The central government, he noted, had no representative whose business it was to make police regulations or to coordinate and control the administration of the various local functionaries. There was a complete absence of central inspection, direction, and discipline. There was, he said, "no point which serves as a centre to the radii of the administration."³

He noted that the discipline of these officers was pretty much left to the courts. Apart from the sanctions which might be imposed through the courts, each functionary during his limited tenure of office was virtually a law unto himself. The courts, as Tocqueville observed, were effective with reference to great offenses but were hardly any use against petty vexations. In cases where officers attended to their duties without energy or zeal, no effective sanctions

were available. The power of removal he believed to be the only check on the doldrums of administrators, and courts, except for a rigorously limited category of serious derelictions, were without powers of this kind. Indeed, a perpetual investigation and inspection would be necessary to convict an officer of negligence or lukewarmness; and it was clear to him that a court, sitting but twice per year, could scarcely supply this need. A further weakness he discovered was the inability of the judges to initiate action, being confined in their jurisdiction to only such cases of improper administration as might be brought before them by the aggrieved parties. The greatest security of active and enlightened obedience of public officers to their official duties lay in the possibility of removal. This power, in practice at least, was hardly available to the courts. The power of discipline, which in France was vested in the heads of the administration, in America was vested in the electorate. Thus, the officer "annually appears before a tribunal from which there is no appeal, which can at once reduce him to insignificance and deprive him of his charge."⁴ But that this threat produced administrative efficiency he was inclined to doubt since the voters were given to choosing men of small pretensions, illiterates, mountebanks, and, in too many instances, rascals.

Notwithstanding these somewhat uncomplimentary comments on American administrative practice, Tocqueville had a surprisingly high opinion of the value of the system for the United States. He saw that the existing local self-sufficiency called for a local type of administration which played a largely negative role. He understood that the self-reliance of individuals and the self-sufficiency of communities called for a government which should do very little, which should let alone. But it must not be inferred that he believed in the permanent viability of this system for the United States through the future, or that he considered institutions found satisfactory in one situation would be

¹ Quoted in Mayer, *op. cit.*, p. 40.

² *Democracy in America*, I, 79-80.

³ *Ibid.*, I, 71.

⁴ *Ibid.*, I, 76.

universally effective. He was profoundly conscious of the relativity of institutions and was far from believing that institutions and systems found viable in one place, among one people, and at one time, would everywhere be equally desirable and effective. As he put it, he was "tempted to believe that what we call necessary institutions are often no more than institutions to which we have grown accustomed, and that in matters of social constitution the field of possibilities is much more extensive than men living in their various societies are ready to imagine."¹

Reform Efforts in France

ALTHOUGH it can hardly be called one of the major preoccupations of his career, Alexis de Tocqueville had an enlightened and sustained interest in improving the quality of French public personnel and the conditions under which they were employed. He was uniformly a warm advocate of reform proposals which would regularize the status of the *fonctionnaires*, separate their fortunes from the vicissitudes of political warfare, and provide a career service free from the mutilative consequences of partisan interest and the petty spites of politicians. Doubtless his interest may be traced back to his family environment and the attitude of his father on this point. More likely a painful experience in his own early career accounts for much of his zeal. Shortly after his return from his memorable trip to America, his friend and colleague, Gustave de Beaumont, had been cashiered from the service because he had refused to participate in a scandalous persecution inspired solely by partisan considerations and directed against an individual who had the misfortune to be politically odious to some of Beaumont's superiors. Tocqueville, in great anger at his friend's unjust dismissal, immediately resigned his own position in the Court at Versailles. His letter of resignation contained the following words, which appear to indicate where his future sym-

¹ *Recollections*, p. 101.

pathies might lie whenever he had an opportunity to raise his voice for the reform of the public service. "I think myself bound voluntarily to share his lot," he wrote to his superior officer, "and to abandon with him a career in which neither active service nor upright conduct is a security against unmerited disgrace."²

In the Second Republic there had been considerable agitation for legislation which would effect a comprehensive reorganization of the conditions of the civil service and improve the condition of the *fonctionnaires* connected with it. The atomistic and *ad hoc* nature of the statutes regulating the service provided an inadequate basis for the maintenance of an effective service to the public or for the protection of those engaged in it. In the Chamber of Deputies, on the 18th of January, 1842, Alexis de Tocqueville made the pioneer appeal for the enactment of a comprehensive statute which would remedy the worst of the existing evils of the service.³ In this speech he sternly condemned the intolerable excesses of the current situation and strongly urged the enactment of a statute which would stabilize the service on a basis of fairness of selection and equity in advancement. Unfortunately, no action was taken at the time, but his remarks did have the happy consequence of establishing high standards of approach to the problem, below which subsequent discussions of it could hardly fall.

In this speech of January 18, 1842, Tocqueville severely criticized the public functionaries' practice of holding places in the Chamber of Deputies. This, he thought, was a practice harmful both to the parliamentary body and to the administration. He harshly condemned the practice of the party in power of creating a great superfluity of places in order to use the appointing power to create a clientele of support. He spoke with regret of the mediocrity and changeability of the fortunes of functionaries and

² Quoted in Mayer, *op. cit.*, p. 18.

³ The entire text of this address may be found in *Etudes Economiques, Politiques, et Littéraires par Alexis de Tocqueville* (Calmann Levy, 1878), pp. 374-88.

lamented the fact that recruitment for the public service was on a basis of partisanship rather than on a basis of merit. He adverted to an argument, almost as familiar in our own day as in his, namely, that patronage was a price necessary to be paid for the survival of the democratic party system. But he stoutly denied that it was necessary "to choose between servitude and corruption" and maintained that by thus "boundlessly inciting the ambitions of individuals and encouraging them to seek governmental offices, more evils were being created than were being prevented."¹

A public service composed of men of the very highest capacity was the ideal of Tocqueville. As he viewed it, there was no room in the service for dullards, ancients, party hacks, or the second-rate relatives of first-rank politicians who got on the rolls by reason of patronage or nepotism, who stayed there on no more noble basis than the mere doing of a minimum amount of administrative busywork, and who rose in rank by the escalator consequences of the maintenance of incumbency through time. He spoke his mind on this point in a letter to his good friend Nassau William Senior, the eminent English economist:

When you complain that the government patronage is bartered for political support; that the dunces of a family are selected for the public service, and selected expressly because they could not get on in an open profession; that, as their places are a sort of property, they are promoted only by seniority, and never dismissed for any except for some moral delinquency; that, therefore the seniors in all your departments are old men, whose original dulness has been cherished by a life without the stimulus of hope or fear—you describe a vessel, which seems to have become too crazy to endure anything but the calmest sea and the most favorable winds.²

In the speech of January 18, 1842, referred to in earlier paragraphs, Tocqueville urged his colleagues in the Chamber of Deputies to create a career service. His words on this occasion indicate both his understanding of the nature of a merit system and

his zeal for bringing such a system into being.

What is dangerous, gentlemen, is not merely the great number of public *fondctionnaires*; it is that each person, whatever his ability and enlightenment, believes himself capable of entering into a public career. What is also dangerous, perhaps more dangerous than any other thing, is that once having entered into the public service, every person imagines that favoritism, or chance, or some of the thousand other accidents that an ambitious imagination is able to conjure up, will enable him to pass without difficulty through all of the grades of the service, and to rise from the base of the administrative ladder to its summit. . . .

These dangers are present in other countries of Europe besides our own. In a part of Europe, in Germany, for example, they have been foreseen, and some rules have been established in order to care for them. There one does not enter into a career except after a certain internship, a certain examination; there one is only able to advance step by step in the career into which he has entered; it is necessary that he rise from the first level to the second and pass successively through all of the degrees of the hierarchical scale.

I say that these are salutary rules; they not only exist among foreigners, but in part we also have them among ourselves, and in the career in which ambition is naturally the most energetic, the most impatient: in the military career. In that career, one may enter only after a long and difficult apprenticeship, one may advance only after having passed a time of trial in each grade, and one does not see there any of the vexatious examples of patronage which one encounters endlessly in civil careers. Why should we not have a merit system in all types of careers?³

British Influence

THOUGH critical of some of the details of the British reforms adopted in connection with the East India Service, Tocqueville applauded their main outlines and warmly advocated that the French colonial service adopt similar devices to ensure a competent personnel. In a very lengthy report made to the Chamber of Deputies in May, 1847, on the general subject of the reform of the administration of Algeria, he recommended the following:

It would be wise, before confiding to our functionaries the administration of Algeria, to prepare

¹ *Ibid.*, p. 381.

² Beaumont, *op. cit.*, II, 285.

³ *Etudes Economiques, Politiques, et Littéraires*, p. 384.

them for that job, or at least to see to it that they have prepared themselves before they come to us. A special school, or at least a special examination, appear to be very necessary. The English follow this system with reference to India. The functionaries whom we send to Africa, on the contrary, know nothing of the language, the customs, or the history of the countries which they are going to administer. Moreover, they act in the name of an administration whose special organization they have never particularly studied, and they apply there an unusual system of laws, the rules of which they do not know. Should one be surprised if these individuals are often inferior in their work?¹

He then spoke approvingly of the English system at Haileybury College where would-be East India servants were given training not only in a subject matter appropriate for an understanding of the new country but were also given systematic training in public administration and political economy under such distinguished instructors as the Reverend T. R. Malthus and Sir James Mackintosh. Eight languages of Asia, he noted admiringly, were taught at Haileybury, and no person went to the Orient without some facility in the speech of the indigenous population. As a means of showing his colleagues what he desired in the French service he continued his enumeration of the virtues of the English system in the following manner:

No one may enter Haileybury without an examination; no one may finish there without one. But that is not all. When they have arrived in India, these young men are obliged to learn to read and write fluently in two of the native Indian idioms. Fifteen months after their arrival, they are given a new examination, and if they fail to pass it, they are immediately sent back to Europe. But, also, once having successfully passed so many severe trials of their ability, they are admitted to positions in the administration of the country, their rights in the service are certain, and their promotion is no longer on an arbitrary basis. Their positions are assured to them, they are able to advance from grade to grade, and, pursuant to regular rules of promotion, they may rise to places of the highest dignity.²

Tocqueville was thoroughly sympathetic with the views of the English liberals who

¹ "Rapport de 28 Mai 1847, au nom de la commission de la Chambre sur les affaires d'Afrique," *ibid.*, pp. 445-46.

² *Ibid.*, p. 445n.

were insisting on a broad, classical training as a foundation for participation in the public service. He was in favor of the necessary technical training for the candidates for the service but demanded a much broader grounding in the usual curriculum of the liberal arts college as a basis for selecting young men of intelligence, imagination, and philosophical competence. Any system which confined itself to training the aspirants for the service in merely those subjects which had a direct and readily demonstrable connection with the duties of the service, he thought, would bring an improvement in the rank and file without producing that corps of young men from which a brilliant staff of top administrators might be eventually drawn. In discussing with Nassau William Senior the benefits and shortcomings of the reforms which had then only recently been adopted in Great Britain, by which the India Service and many positions in the home government were thrown open to public competition, he expressed himself rather fully on the limitations of pass examinations in a specialized and restricted subject matter as a means of selecting the kind of personnel required for this upper administrative corps. His words seem worth quoting in full:

We have followed that system to a great extent for many years. Our object was two-fold. One was to depress the aristocracy of wealth, birth, and connections. In that we have succeeded. The *Ecole Polytechnique* and the other schools, in which the vacancies are given to those who pass the best examinations, are filled with youths belonging to the middle and lower classes, who, undistracted by society or amusement, or by any literary or scientific pursuits except those immediately bearing on their examinations, beat their better-born competitors, who will not degrade themselves into the mere slaves of success in the *concours*.

Our other object was to obtain the best public servants. In that we have failed. We have brought knowledge and ability to an average, diminished the number of incompetent *employés*, and reduced almost to nothing the number of distinguished ones. Continued application to a small number of subjects, and those always the same, not selected by the student, but imposed on him by the inflexible rule of the establishment, without reference to his

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taste or to his powers, is as bad for the mind as the constant exercise of one set of muscles would be for the body.

We have a name for those who have been thus educated. They are called "Polytechnisés." If you follow our example, you will increase your second-rates, and extinguish your first-rates; and what is, perhaps, a more important result, whether you consider it a good or an evil, you will make a large stride in the direction in which you have lately made so many, the removing the government and the administration of England from the hands of the higher classes into those of the middle and lower ones.¹

Before terminating the discussion of Tocqueville's efforts to place the French public service on a more enlightened basis, some brief mention should be made of his experiences with the patronage while he was Foreign Minister during the presidency of Louis Napoleon. As is customary when a new group comes to power, there was a widespread rush on the part of its supporters to secure places on the public pay rolls. Tocqueville found himself incessantly assailed by the job-hungry, who bothered him with such importunity and impertinence that he felt inclined to have them thrown out the window. In fact, he complained that he had to spend more effort and diplomacy in patching up patronage quarrels than in treating the great affairs of Europe.

He bravely opposed the attempts of Louis Napoleon to vacate as many places as possible and fill them with all sorts of mediocrities whose chief qualification for office was their willingness to further his imperial ambitions. Tocqueville has given an interesting description of his relations with Napoleon on this matter and his words are worth quoting:

... in all that was compatible with the good of the public service, I made great efforts to please him. Whenever, by chance, he recommended for a diplomatic appointment a capable and honest man, I showed great alacrity in placing him. Even when his *protégé* was not very capable, if the post was an unimportant one, I generally arranged to give it him; but most often the President honoured with his recommendations a set of gaol-birds, who had formerly thrown themselves in desperation into his

party, not knowing where else to betake themselves, and to whom he thought himself to be under obligations; or else he attempted to place at the principal embassies those whom he called "his own men," which most frequently meant intriguers and rascals. In that case I went and saw him, I explained to him the regulations which were opposed to his wish, and the political reasons which prevented me from complying with it. I sometimes even went so far as to let him see that I would rather resign than retain office by doing as he wished. As he was not able to see any private reasons for my refusal, nor any systematic desire to oppose him, he either yielded without complaining or postponed the business.²

Theory of the State

IN ORDER TO understand clearly Tocqueville's doctrines with reference to the proper place of public administration in modern society, it is necessary to examine briefly some aspects of his theory of the state. Although he called himself a liberal, he did not at all share the ultra *laissez faire* principles so fashionable among the liberals of that date. He believed it necessary for the state to play a positive role in the management of the common concerns of society. He spoke with contempt of a government which would manage pettily our big affairs. He believed that "the principal aim of a good government is to bring about the welfare of a people, and not to create what might be called a kind of order in the midst of their wretchedness."³ On the other hand, he was no totalitarian, wishing to have the state all powerful and omnipresent in all the aspects of all the lives of all its citizens. "It profits me but little," he commented, "that a vigilant authority should protect the tranquility of my pleasures and constantly avert all dangers from my path, without my care or my concern, if this same authority is the absolute mistress of my liberty and of my life, and if it so monopolizes all the energy of existence that when it languishes everything languishes around it, that when it sleeps everything must sleep, that when it dies the State itself must perish."⁴ When a

¹ *Recollections*, p. 319.

² Quoted in Roger Soltau, *French Political Thought in the Nineteenth Century* (Ernest Benn, 1931), p. 55.

³ *Democracy in America*, I, 90.

⁴ Beaumont, *op. cit.*, II, 254-55.

nation has arrived at the place where its people are the mere passive recipients of a thousand and one attentions from a central power, when they are in all ways governed and in no way controlling their government, "it must either change its customs and its laws or perish: the source of public virtue is dry, and though it may contain subjects, the race of citizens is extinct."¹

It was his melancholy observation that the future held the gravest threats to individual liberty. Perhaps he is the first modern critic of democracy who pointed out that this principle of government was as likely to eventuate in slavery as in freedom. "The passage of time," he wrote in his *Ancien Régime*, "constantly opens to the central government new fields of action. . . . Society, which is in full progress of development, constantly gives birth to new needs, and each one of them is for the government a new source of power; for it alone is in a position to satisfy them . . . the sphere of government is mobile and never ceases to grow with civilization itself."²

Some of the concrete factors he mentioned in connection with this augmentation of state power were the following: the adoption of relief measures for the benefit of those suffering acute deprivations in the periodic crises of the national economy; the carrying out of the extensive public works programs required by complex modern industrial society; the rise of social service programs administered by the state; the control by the state of the mechanisms of money and credit which gave it a life and death power over the financial conditions of citizens; the diminution of the influence of local authorities, due to the inferior administrative skills of the local personnel; the vast increase in the knowledge of administrative science which would make it possible for the state, by an almost imperceptible encroachment into a domain traditionally immune from its attentions, constantly to do more and more

¹ *Ibid.*, I, 91.

² Alexis de Tocqueville, *L'Ancien Régime*, translated by M. W. Patterson (Basil Blackwell, 1933), p. 65.

with less effort and less notoriety; the rise of industrial society and the development of an interdependent national economy, calling for more powerful and more detailed controls in the general interest; and, finally, the coming of costly and long-enduring wars which would produce crisis dictatorships, whose controls, imperfectly relaxed with each new peace, would through the advent of recurrent wars accumulate into political systems with a virtual totality of powers and an almost complete absence of democratic responsibilities.

His comments on the effects of industrialization and war upon centralization of power are so full of insights of value to our own times that it may not be amiss to quote rather fully:

Manufactures generally collect a multitude of men on the same spot, amongst whom new and complex relationships spring up. These men are exposed by their calling to great and sudden alternations of plenty and want, during which public tranquillity is endangered. It may also happen that these employments sacrifice the health, and even the life, of those who gain by them, or of those who live by them. Thus the manufacturing classes require more regulation, superintendence, and restraint than the other classes of society, and it is natural that the powers of government should increase in the same proportion as those classes.³

With reference to the impact of war upon society his comments are equally perspicuous and timely:

. . . a nation can only carry on a great war at the cost of more numerous and more painful sacrifices; and to suppose that a great number of men will of their own accord comply with these exigencies of the State is to betray an ignorance of mankind. All the peoples which have been obliged to sustain a long and serious warfare have constantly been led to augment the power of their government. Those which have not succeeded in this attempt have been subjugated. A long war almost always places nations in the wretched alternative of being abandoned to ruin by defeat or to despotism by success.⁴

That these new powers of government would create the need for a vast increase in

³ *Democracy in America*, II, 323.

⁴ *Ibid.*, I, 170.

administrative powers and personnel Tocqueville well realized. He saw the administrative group becoming ever more numerous, exercising ever greater powers over the lives of citizens, and he feared they might become so powerful an interest group that they would be immune to democratic control and come to dominate all aspects of society, not by force or intimidation but by the finesse of their techniques and the habituation of the population to the point of accepting all sorts of administrative intrusions into their affairs without complaint, with the consequence that "the very men, who from time to time upset a throne and trample on a race of kings, bend more and more obsequiously to the slightest dictate of a clerk."¹ Tocqueville believed it both necessary and desirable that the government of a democratic people should be active and powerful, but he feared that an administration, most of whose principles had been conceived in the days of Bourbon absolutism and whose institutions were largely perfected in the days of the *Ancien Régime*, had been only imperfectly reconciled with democracy. "How is it possible to reconcile extreme centralization with representative democracy? This is the grand problem of the times. Many see it, a few are attempting to solve it, some do not even know about it."²

Democratic Controls

OBVIOUSLY, what he wanted was responsible and efficient administration. He did not feel that it was power which corrupted administrators so much as it was irresponsible and extralegal power. He wanted a well-organized administrative structure, manned by a very highly qualified personnel which would carry on its proper functions with the highest degree of efficiency, but it was a fundamental point with him that the administration be for democratic

purposes and subject to democratic control. How to do this was the question. Much of the current political disorder of his times he diagnosed as being due to the fact that society was in travail to accommodate the customs and rules of efficient administration to the needs of a democratic way of life. To bring about that readjustment was to him "one of the grandest works of which our generation will be able to deliver itself."³

He analyzed some of the current proposals for the democratization of the administration. Would the problem be solved by making the chief executive electorally responsible to the nation at periodic intervals? This he considered possibly helpful in a limited way, but he argued that it would hardly produce a free choice if the electorate should be awed by a show of bayonets at the time the ballots were cast, even if no overt threats were made. He realized that this sort of shotgun plebiscite might become a democratic facade behind which lurked caesarism.

What, then, about the efficacy of an elective parliamentary body as a means of supervising bureaucracy and preventing the establishment of tyranny? For this type of safeguard he had an enormous approval, considering the creation of such a system one of the great inventions of political science. Under the Old Regime he found two systems of administration. In some districts the administration had been entrusted to a single functionary who acted alone and without any sort of supervision from an elective assembly. In a few other districts the administration had been entrusted to an elective council and not to any single individual. As there were only these two methods of administration, when one was abandoned, the other was adopted. He wrote in his *Ancien Régime*:

It is a curious fact that in a society so enlightened, in which public administration had for so long a time played such a great part, the idea had never occurred of connecting the two systems and of distinguishing without disjoining the executive power from that which superintends and directs. This idea,

¹ *Ibid.*, II, 327.

² "Rapport à l'Académie des sciences morales et politiques sur le cours administratif de M. Macarel," in *Études Economiques, Politiques, et Littéraires*, p. 74.

³ *Ibid.*, p. 75.

which appears so simple, never appeared; it was only discovered in the nineteenth century. It is, so to speak, the only great discovery in the sphere of public administration which is peculiar to us.¹

Notwithstanding his approval of parliamentary supervision of administration, he did not consider this adequate as a means of controlling the despotic tendencies of bureaucrats. It would greatly diminish the dangers, without entirely getting rid of them. He looked, therefore, for additional devices as a means of safeguarding democratic interests. These democratic expedients he discussed at some length in the seventh chapter of the final book of his *Democracy in America*; they can be only briefly summarized here. They were: decentralizing administrative power into secondary bodies; creation of private associations which will be powerful enough to checkmate any despotic tendencies; freedom of the press—he considered the liberty of printing one of the best correctives of tyranny; and the creation of a judicial power to watch over administrative decisions. A nation where these safeguards were lacking would either create freer institutions by revolution or supinely stretch itself at the feet of a single master.

On no subject did Alexis de Tocqueville speak more feelingly or write more voluminously than on the dangers of centralization and the advantages of decentralization. Unfortunately he never developed his ideas very systematically and it is therefore difficult to ascertain precisely what were his positive beliefs. In a sense his writings are somewhat like the Holy Writ in that it is possible to find in them statements which might seem to justify antithetical viewpoints. There is no originality in this comment. A century ago John Stuart Mill noted that Tocqueville's books were becoming arsenals for both liberals and conservatives.² However, the ensemble of statements presented by Tocque-

¹ *Ancien Régime*, p. 205.

² John Stuart Mill, "M. de Tocqueville on Democracy in America," *Dissertations and Discussions* (W. V. Spencer, 1859), II, 81.

ville present a fairly coherent picture and an attempt will be made to present his attitude.

At the outset, it is important to have clearly in mind some distinctions which Tocqueville made but never adequately stressed in his writings. He recognized two kinds of centralization, governmental and administrative. He remarked:

Certain interests are common to all parts of a nation, such as the enactment of its general laws and the maintenance of its foreign relations. Other interests are peculiar to certain parts of the nation; such, for instance, as the business of different townships. When the power which directs the general interests is centred in one place, or vested in the same persons, it constitutes a central government. In like manner the power of directing partial or local interests, when brought together into one place, constitutes what may be termed a central administration.³

It was his conviction that powerful forces were operating to centralize both political power and administrative power. He looked with fear upon the despotic potentialities of a remote, top-heavy irresponsible administration. In elaborating this point, Tocqueville said:

Indeed, I cannot conceive that a nation can enjoy a secure or prosperous existence without a powerful centralization of government. But I am of opinion that a central administration enervates the nations in which it exists by incessantly diminishing their public spirit. If such an administration succeeds in condensing at a given moment, on a given point, all the disposable resources of a people, it impairs at least the renewal of those resources. It may ensure a victory in the hour of strife, but it gradually relaxes the sinews of strength. It may contribute admirably to the transient greatness of a man, but it cannot ensure the durable prosperity of a nation.⁴

Tocqueville felt that in a society where there existed great equality of conditions, the citizens would have a natural tendency to place the details of the administration in the hands of the only power which stood conspicuously above them all, namely, the central government. He believed, however,

³ *Democracy in America*, I, 84.

⁴ *Ibid.*, I, 85.

there were limits to this centralizing tendency. When the art of government had been brought to considerable perfection and the evils of an administration too much centralized had been felt, then, perhaps, the inhabitants of the municipalities, of the outlying districts, or of the natural subregions of the national area, might be seen endeavoring to create a less centralized administration. Or even the supreme power itself, bending under the weight of its own responsibilities, might realize the necessity of localizing some of the business of government, and seek a less remote and rigid method of administration. "A democratic people," he declared, "tends towards centralization, as it were by instinct. It arrives at provincial institutions only by reflection."¹ He felt that a considerable time, however, must elapse before people come to the point where they desire to decentralize the management of their common concerns.

Apparently Tocqueville believed in local self-government as far as this type of government did not conflict with the more general interests of the nation. Perhaps no violence is done to his convictions to say that he favored a sort of home rule for cities and small localities. On the other hand, it may be that he had in mind some sort of regional decentralization of the central administrative power such as is represented by the TVA or some of the regional partitionings of national agencies into the field such as have been occurring in recent years due to over-crowding in Washington. Or he may have recognized that these decentralized bodies can function more efficiently in the field than in a national center. No doubt Tocqueville entertained some such ideas, but

the truth seems to be that he was more interested in local autonomy than in administrative efficiency. "I am," he confessed, "more interested in the political effects of decentralization than in the administrative consequences."

In conclusion what may be said of Tocqueville? It is clear that he was a precocious writer on administration and that he was a pioneer in the advocacy of needed reforms. After the passage of a century and the general spread of administrative sophistication, it may well be true that many of his ideas sound commonplace, but when it is remembered that he was speaking to a generation largely innocent of administrative knowledge, his stature should grow in proportion to the extent that his doctrines today find acceptance. He believed in an efficient, but democratically responsible bureaucracy; he believed in securing the very finest abilities of a people for its administrative service and he believed in providing a true career service for this high type of personnel; he feared the tyranny which might reside in the sheer weight and enlargement of the administrative colossus and sought to subdivide it in the interests of efficiency and liberty. He believed in a positive role for the state and sought techniques and organizations by which the majesty and power of the state might be reconciled with the dignity and happiness of individuals. He saw the inevitable expansion of the principle of equality, ambivalent in its propensities for good and evil, and he called upon the nations to bestir themselves to determine whether that principle was to "lead them to servitude or freedom, to knowledge or barbarism, to prosperity or to wretchedness."²

¹ Beaumont, *op. cit.*, I, 234.

² *Democracy in America*, II, 348.

Ferdinand Augustus Silcox

By E. I. KOTOK and R. F. HAMMATT

Forest Service, United States Department of Agriculture

IN THE fall of 1933, Rexford G. Tugwell asked Ferdinand Augustus Silcox to become chief of the federal Forest Service. Silcox first swore that he never would, then consented.

Why did the assistant secretary of Agriculture make this offer? Why did Silcox, already holding a responsible, assured, and more remunerative position in the commercial world, accept it but later decline the undersecretaryship of the Department of the Interior? Why, in December, 1939, did Henry A. Wallace declare that "the death of Mr. Silcox is a blow to the whole American movement for conservation of human and natural resources"? And what qualities, attributes, and achievements prompted, at Silcox's passing, the flood of tribute which can be epitomized in the words of a Washington, D. C., editor who eulogized this silver-haired but dynamic forester as "the very paragon of a public servant"?

Heredity and boyhood environment were partly responsible for the answers to some of these questions. More important, however, were pioneer experiences Silcox had with the Forest Service while he and it were young. For he helped shape this public service organization while it was in the building, and this process helped develop ideals and philosophies that attracted the Department of Labor and the Shipping Board during World War I, men high in the printing industry later, and then Dr. Tugwell, Mr. Wallace, and the President.

His vision, initiative, and courage also contributed to Silcox's ability as a public administrator, as did his wide-ranging intel-

ligence and keenness of perception. He had, in addition, a genuine and sympathetic concern for the underprivileged and a determination that their lot should be improved. His belief in truly democratic processes and institutions was deep-seated and passionate, and he had a penchant for getting more done by inspiring people than most people do by driving them.

Silcox stood out among men because of the unmistakable imprint of an extraordinarily delightful personality and of a genuine interest that instinctively drew people to him. His brilliant mind and serene disposition held as warm friends many who disagreed with his philosophies and judgments. His determination to get and face the facts was backed by a fearlessness and fairness and dignity in stating them that won respect in low places and in high. A joyous courage in the man led to his eager espousal of what many people often thought were lost causes—which a sound technical competence helped to win more often than not. And Silcox preserved, throughout all his life, a freshness and frankness of view, a lift to the imagination, and a comprehension of fundamentals that gave life and substance and perspective to problems old and new.

Boyhood and College Days

IN A reminiscent mood Silcox once said that his paternal grandfather had owned a line of vessels running to Barcelona, Spain, that a porch on the ancestral home had been ripped open by shells during the bombardment of Fort Sumter, and that after Daniel H. Silcox had converted his ships into

blockade runners and the federal government had posted a reward for him, he and his family moved to the country. When Sherman's army came that way this grandfather hid in the woods and cornfields, was fed by a little Negro boy, then returned to his stately home with its piazzas on which later generations learned to roller-skate and ride bicycles.

Silcox's father was a successful cotton broker. His business life centered around an accommodation wharf built "where the Ashley and the Cooper Rivers come together to form the Atlantic Ocean" as an incurable Southerner describes the harbor at Charleston, South Carolina. Here, in those days, schooners and brigs, brigantines and full-rigged ships dropped their anchors. Here, and off Sullivan's Island, young Silcox sailed and fished and got as bronzed as an Indian. And here, and on hunting expeditions through pinelands and swamps, he learned to love the outdoors and developed the philosophy—inherited perhaps from his colorful old grandfather—of looking on life as a series of exciting adventures.

The high school to which the future chief of the Forest Service went was on the corner of George and Meeting Streets. Though small, the College of Charleston was one of the best in the South when he enrolled in it. An honor student and class president in his senior year, Silcox planned to take up industrial chemistry at Johns Hopkins University after graduation. But, as he confessed later in life, the contrast between laboratory odors and those of the piney woods was too great, and an article by Rene Bache in the *Saturday Evening Post* painted in altogether too glowing colors the opportunities for adventure and advancement in what was then a new profession—forestry—and a new federal bureau—the Division of Forestry in the Department of Agriculture. So in 1903, after being graduated with honors in sociology as well as chemistry, and after a summer spent as a check-loader on coastwise lumber vessels, he left on a Clyde steamer bound for New Haven, the Yale Forest School.

In classes, and through field work at Millford and elsewhere, Silcox acquired all the school had to give of botany and silviculture, and of entomology, mensuration, engineering, and law in relation to forests and forest operations. He developed that desire—which he always felt every successful forester must have—for fresh points of view and for knowledge beyond that needed for the everyday work. He helped found a student society that grew strong and powerful and helped disband it when it was accused of influencing the selection of men for federal forest work.

It was largely from Henry S. Graves, then dean of the Yale Forest School and later (1910-20) chief of the Forest Service, that Silcox got the conception of forestry as a pioneer program demanding leaders who were resourceful, courageous, endowed with common sense, and capable of inspiring confidence and deserving it. From Gifford Pinchot—who became the first Forest Service chief when Congress transferred jurisdiction over the forest reserves to the Department of Agriculture in 1905, and who was fired by President Taft for the part he took in bringing the Ballinger controversy to a head—Silcox absorbed the high ideals of public service and the devotion to it that so motivated and molded his career.

A Pioneer Forester

IN JUNE, 1904, he was notified of his first public service appointment. "Mr. F. A. SILCOX," it read, "is hereby appointed a . . . FOREST STUDENT . . . at a salary at the rate of . . . THREE HUNDRED (\$300.00) . . . Dollars per annum. . . ."

The work lasted until college began again in the fall. It was cruising timber in West Virginia—in what a classmate called "the Hatfield-McCoy feud country of rattlesnakes, copperheads, and water moccasons." Hours, this classmate said, were from daylight to dark and the food was largely oatmeal. This fellow student also recalls that Silcox was nonconformist in his thinking, an athlete by inclination, and that local people referred to him as "that 'air circus feller'"

because he frequently walked down the road on his hands instead of his feet. But he returned to college in the fall with the respect as well as the affection of those with whom he had worked and was sent west as a forest assistant after graduation.

Ernest W. Shaw operated a ranch on the Upper Piedra in Hinsdale County, Colorado, when he first met Silcox early in January, 1906. Shaw relates that Silcox

. . . had been detailed to put the newly created San Juan and Montezuma Forest Reserves under administration, and things that happened in Durango when he was first there kind of strengthened his impression that Colorado was wild. Perhaps he was right, at that, because although Durango wasn't as wide open as it had been, it still had two solid blocks of saloons on the west side of Main Street, dance halls and gambling parlors were running openly across the tracks, and the town marshal had recently killed Sheriff Bill Thompson in a gun fight.

Silcox's office was over a hardware store and corner saloon. It was bare of furniture with the exception of one chair and one small table. The various report forms were filed along the wall on the floor. The old Oliver typewriter was perched on an upturned packing box. My appointment as assistant forest ranger came through in February. The salary was \$900 a year and I had to furnish two horses. Applications to graze cattle and sheep were coming in. Many were for country I knew, and I helped with them. After office hours Silcox and I took long walks or rides into the hills, and he gave me my first introduction to practical forestry.

Thirty-odd years have passed since then, and details are clouded, but I still remember how much Silcox impressed me with his sincerity, and how his enthusiasm for the job fired me. In themselves those qualities bespeak the man far better than anything else I can now record.

Others who knew him in those days also recall experiences, incidents, and attributes that indicated what manner of man F. A. Silcox was to become. The thing that impressed one was his habit of taking a cold bath each morning "before breakfast." Another "takes off his hat" to that combination of physical endurance and mental agility for which Silcox was even then becoming known. A third recalls his ability to tell things "in a pleasant but forceful manner," and his ingenuity in putting dated chunks

of wood in the stoves of cabins where, under the homestead law, claimants were required to live for a time before they could receive title to what had been public domain. And many a title was missed because a ranger opened the stove on which the claimant was supposed to have done his cooking and pulled out a dated chunk of wood—unscorched.

An old-time Colorado ranger who lives in California writes that Silcox established a dividing line between cattlemen and sheepmen who for years had been shooting it out on range that each claimed as their own. He drew the line on the ground instead of on a map, as was easier and customary, by noting when members of each faction smiled secretly among themselves or scowled openly at their adversaries as he varied his directions. "This took three days, but he made things fair and square to both sides." And it is interesting to note, here, that in later years "arbitration in person and on the ground" became one of his cardinal principles.

By 1907 Silcox was unalterably opposed to the administration of natural resources by remote control from Washington. So was E. A. Sherman, the chief inspector and his immediate superior at Missoula, Montana. President Theodore Roosevelt and Chief Forester Gifford Pinchot were also opposed to remote control, apparently, for the Forest Service was decentralized in December, 1908.

This decentralization marked what has since been described as the first successful effort by a federal bureau to keep in close and constant touch with current and local conditions and problems to insure a sympathetic and understanding approach to them and at the same time to establish nation-wide policies and standards and correlate and co-ordinate performance under them. It also marked Silcox's seventh promotion within the civil service structure in less than three years. From forest inspector he was raised to associate regional forester for what is still called the Northern Region.

The next year was largely one of pioneer-

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ing. The new regional office was organized at Missoula, Montana. New supervisors and rangers were selected for many national forests, including a number of the recently transferred ones on which inspectors had found what Silcox epitomized as "good material but . . . a highly perfected system of misdirected efforts and . . . extremely unsatisfactory results." With the country from the Bitterroot Range in Montana south to the Salmon River in Idaho a wilderness, and the great canyons of the St. Joe, Clearwater, Locksaw, and Selway Rivers almost inaccessible, planning was begun for a region-wide system of roads, trails, telephone lines, ranger stations, and fire lookouts.

This work was scarcely well under way when, in 1910, the new region experienced what turned out to be the worst forest fire season in its history. Since fighting great forest fires calls very definitely for administrative ability, among other things, a brief description of that season may be in order here.

According to Elers Koch,¹ the usual spring rains did not fall in Montana and north Idaho. The hills hardly got green. July brought intense heat and drying southwest winds. Press dispatches told of the Northern Pacific Railway laying off men because of crop failures. The forest, tinder-dry, was ready to explode at the touch of a spark, but by August 15 the Forest Service had controlled more than three thousand and ninety large fires. Koch writes,

Then came the fateful twentieth of August. For two days the wind blew a gale from the southwest. All along the line, from north of the Canadian boundary south to the Salmon, the gale blew. Little fires picked up into big ones. Fire lines which had been held for days melted away under the fierce blast. The sky turned a ghastly yellow. At four o'clock it was black ahead of the advancing flames. The air felt as though the whole world was ready to go up in spontaneous combustion.

The town of Wallace lay directly in the path of

¹ Mr. Koch is and for years has been assistant regional forester in charge of timber management at Missoula. He was supervisor of the Lolo National Forest in 1910. He still considers it "almost miraculous that, with many crews strung along the summit of the Bitterroot Range, not a man nor a horse was lost when the big fires hit us."

the fire. By the evening of the twentieth a third of the town lay in ashes. Flames from the Coeur d'Alene fires swept on to the towns of Taft, Saltese, DeBorgia, Haugan. They crossed the high range to the Clark's Fork; jumped the Clark's Fork; swept on across still another range to the head of the Fisher River; destroyed towns, homesteads, lumber camps, everything in their path.

Special trains, crowded with refugees, bore thousands of people to Missoula and Spokane and safety. But the unfortunate fire fighters on the Coeur d'Alene were caught in the uprush of the fires from the St. Joe River across the summit of the Bitterroot Range. Too late to escape to safety, they were forced to try weathering the blast in places such as mine tunnels, recently burned-over areas, and by lying in small streams with their heads covered with blankets.

When this terrible toll of losses was finally added up, seventy-two fire fighters were dead on the Coeur d'Alene National Forest, four on the Cabinet, and two on the Pend Oreille. Two lives were lost in the burning of Wallace, and one at Taft. A peg-leg prospector was burned to death near the St. Joe-Cedar Creek divide. So were three homesteaders near Newport. Altogether, eighty-five lives were lost in the two-day conflagration. And as the pitiful remnants of the crews straggled out of the mountains, hospitals in Wallace filled to overflowing with surviving fire fighters, many of whom were terribly burned.

Throughout that tragic summer Silcox shouldered the responsibility for locating and assembling thousands of men, buying tons of equipment and supplies, and getting both men and material to the fires that literally peppered twenty-six million acres of national forests in a sparsely settled country measuring 250 miles north and south by more than two hundred miles east and west. Though always eager for front-line participation and leadership, Silcox stuck to the less spectacular job to which he had been assigned. And how well he accomplished his task is attested by the records of the Department, which reveal that early in 1911 he was made regional forester "for most efficient service and to fill the vacancy caused by the transfer of W. B. Greeley to the Washington Office."

Many unusual organization and administrative problems were pressing in Montana and north Idaho when Silcox took command

there. One immediate problem was the vast amount of fire-killed pine left in the wake of the summer's holocaust. It was largely through his own promotional work and salesmanship that nearly one hundred million board feet of it were sold, and the annual cut of timber from the region's national forests almost doubled. He demonstrated his technical knowledge and ability in helping develop new techniques of management for important forest types, and splendid new forests of thrifty white pine now attest the success of the management principles established more than a quarter of a century ago.

In attacking the problem of regional organization that confronted him, he wrote,

Efficient functional organization is predicated on the idea of predetermined plans with accomplishment checked by competent technical specialists. Fundamentally the ranger district is the basic unit of our organization. I have therefore taken it as the starting place in the application of the principles of an administrative plan which provides for directive control, competent inspection of accomplishment, determining the ability of each unit to accomplish in accordance with specified standards the quantity of work assigned to it, and checking on the efficiency of personnel.

Practically no new machinery has been required to put this plan in effect, but results already show the forest supervisors are more competently and convincingly defining needs, standards of work, and how far they can go with the money we now have available. I may be too sanguine but I believe the plan holds out the promise of answering some of our most perplexing organization questions.

Silcox knew that a real inventory of resources was an urgent as well as a basic need. It was a tremendous job, particularly in those days when men and money were so scarce in the Forest Service, but he set about it with his customary vigor and directness and insisted that timber cruising be done much better as well as on a much larger scale. Then, remembering the millions of recently burned acres in need of reforesting, and applying scientific management principles he had read about and studied, he saw to it that the small forest-tree nursery at Savanac was developed until it became the largest of its kind in the United States.

To the student of how and why administrative ability grows and develops it is an interesting fact that the record fires of 1910 in Montana and north Idaho gave to Silcox, the young pioneer forester, an opportunity and a challenge which few men have at so early a time of life. Imagine being charged, as he was, with the job of protecting and developing the resources on some twenty million acres of national forests and of restoring, so far as man could, the resources on three million of those acres that had become widely eroded after having been burned!

The 1910 disaster had demonstrated that the Forest Service's system and facilities for fire control in Montana and north Idaho were inadequate and had to be rebuilt from the ground up. Silcox went at this job like a scientist. Transportation and time studies were started. Standardization was applied to all equipment units, including nesting kitchen and mess kits, and they were all adapted for packing on horses and mules. A central warehouse for emergency tools and supplies was established at Missoula. Methods were determined for getting quicker action on small fires so as to keep them small. Suppression organizations were picked to pieces, analyzed, replanned, and rebuilt. Real advances were made in developing techniques for feeding, caring for, and supervising what for that time were large forces of men on far-flung fire lines.

The year 1914 brought bad forest fires again, but they were handled more effectively than in 1910. And although many men have left the mark of their work and their faith in the Northern Region since Silcox was there, it is interesting to note that most foresters agree that this region's forest fire control organization is today one of the most efficient in the United States.

It was at Missoula that Silcox began to point part of his intense interest in humans toward more and better on-the-job training for youth and to urge more active support of the practice by administrative management generally. No extended record of this phase of his activities is attempted, but in

view of some of his later attitudes and activities it may be of particular interest to note that in his opinion there was real need in the Forest Service, in 1917, for "an opening up of the 'blind alley' positions and the outlining of a promotion policy . . . in a constructively frank, fearless, and aggressive way."

Frauds, Fires, and "Wobblies"

SILCOX was deeply absorbed in the management and development of the national forests of the region, but even in these early and formative years at Missoula his innate love of justice and instinctive championship of the less fortunate drew him into contact with broad and vital human problems. Two illustrative instances occurred about the time the United States entered the first World War. In one he was fighting to check the spread of frauds against the United States in connection with some of its land laws. In the second he was cutting through the bitterness and partisanship of that memorable 1917 fight between employers and the International Workers of the World by sheer force of personality and integrity in order to protect public forest property during another bad fire season.

From 1904 to 1906 the federal government convicted a great number of persons in Oregon for land frauds almost unbelievable in extent, with timber rather than farm land the real object of the thieves.

An official report records that during the same period

... precisely the same thing was being done in North Idaho by practically the same methods and by some of the identically same interests. . . . The particularly valuable white pine timber was the attraction, [but] . . . in North Idaho no one has ever been convicted of land fraud.

Men have risked their lives and liberty to wrongfully acquire these lands. Murders have been committed, and no one punished for the crime. . . . A so-called Association of Killers of Homestead Jumpers . . . was organized, and in an open meeting discussed ways and means of ridding the community of persons who legally had as much right to the lands which they had jumped as those who were claiming them.

The settlers on these lands may have undergone hardships. It was not, however, to make a home; but . . . to secure a timber claim of 160 acres, worth from \$10,000 to \$25,000, the price which can be obtained from the lumber companies having holdings in this region. This is shown by the fact that 76% . . . of the entire watershed, title to which can be given, or which has passed to patent through pretence of compliance with the public land laws, is now in the hands of large stumpage holding concerns, and none of it [is] being developed agriculturally.

The intent of the homestead laws is clearly defeated. As a matter of sound public policy, such heavily timbered lands . . . should never have been subject to the provisions of the general homestead laws.

These passages are quoted from a report that is specific as to time, place, and names. The data for it were collected on Silcox's orders when it seemed that other "white pine" claims, this time on one of the national forests under his jurisdiction, might go to patent in the face of what he felt was flagrant lack of compliance with the homestead laws. It represented a feeling of moral outrage that just simply would not let him remain either inactive or inarticulate, but there is strong presumptive evidence that it also represented a calculated effort on his part to get action even through means that he knew were dangerously unconventional.

The report went to Washington, D. C. early in 1915. That summer D. F. Houston, who was then Secretary of Agriculture, appeared in north Idaho, went into the woods, and found that the situation was all that the report represented it to be. When he returned to Washington claims were canceled and, through a memorandum signed by him and by Franklin K. Lane for the Department of the Interior, the Forest Service was authoritatively recognized in General Land Office procedure.

It was not long after the United States officially entered World War I that Silcox found himself seriously handicapped by labor troubles that threatened to shut off the supply of men he needed to fight forest fires. High lights of the situation, which was so serious that with others it was investigated

by President Wilson's Mediation Commission, were these.

Union Hall in Butte, Montana, had been dynamited in 1914. By April, 1917, when some 20 per cent of the copper and 50 per cent of the zinc being used for munitions were coming from Butte, all but three mines there were insisting on the "rustling card" in an effort to snuff out attempts by labor to organize.¹ By the end of that June the "Wobblies," as the International Workers of the World were called, claimed as members 90 per cent of the lumberjacks and were out on a strike that virtually stopped logging and milling in all of Oregon and Washington as well as in Montana and north Idaho.

On July 2, 1917, the Missoula, Montana, *Missoulian* published its first strike editorial. It was unsympathetic to the men. On July 10 the paper headlined: "Draft Numbers Now Available"; "Silcox Urges Care to Prevent Forest Fires." On August 2 banner headlines in the same paper read: "Frank Little, Leader in Butte, Hanged," and "City Offers \$1,000 for Capture of Lynchers."

Suspicious, sullen, and generally resentful, the men had by now refused even to fight forest fires. They cited as long-standing grievances logging camps that were badly drained, poorly ventilated, overcrowded, and without facilities for bathing or washing clothes. They demanded an end to bunks filled with old and vermin-infested hay, poor food, low wages, the ten-hour day, and the "rustling card." They were opposed to company unions. They resented and denied charges of incendiarism which had been brought against them and countered with the charge that lumber companies had hired gunmen to take out log drives during the previous spring.

The lumber companies, mostly through their organized associations rather than as individuals, stuck by their refusal to grant

¹ Charles Merz in *The New Republic* for September 22, 1917. The rustling card was an identification card which each miner was required to deposit with the company when he went to work. When his services were no longer needed, the card was returned to him if the company had found him satisfactory. But to be discharged without a card was to face a precarious future.

an eight-hour day or discontinue the rustling card system. They claimed that it would be "dangerous" to recognize demands for better food, better living conditions, or better pay. In order to keep jobs and pay from strikers they asked the Forest Service to employ fire fighters only through company or association agencies that would not hire members of the IWW. And they doggedly and dogmatically contended that "to own a business is to own exclusive management of it, no matter what interest of the public may be involved."

Silcox disagreed. In his opinion the lynching in Butte was less important as a crime than as a manifestation of widespread and deep-rooted unrest. The IWW, he said, was symptomatic of a social disease and "a direct product of the conditions the [lumber] industry itself has fostered." He admitted that there were extremists and ultraradicals in the IWW organization but asserted that the situation was not being handled in a constructive spirit or with sympathetic understanding of the social problems involved. In a statement emphasizing the vital importance of public interests that were being endangered on forest land in private as well as in public ownership, he turned down the plea that fire fighters be hired only through lumber companies. He then went straight to Wobbly headquarters—and came away with the organization's pledge to fight fires on the publicly owned national forests in which, he had pointed out, they certainly had a stake.

With the Department of Labor

ASHES from some of the 1917 forest fires in Montana were still warm when Silcox was called by telegram to Washington, D. C. His abilities as an organizer and his knowledge of Forest Service and lumber industry personnel were needed for wartime purposes. He helped recruit forestry regiments, was commissioned a captain, and was ready to go overseas when Secretary of Labor William B. Wilson asked him to undertake an urgent mission for the Department of

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Labor, the U. S. Shipping Board, and the President's Mediation Commission. As a result he missed a promised commission as a major; the *Tuscania*, which was torpedoed off the Irish coast; and France. Instead he went to Seattle for some of the most intense and dramatic days of his life.

German submarines were on the loose then, as they are now. The severe winter weather had closed down many eastern shipyards. Seattle ship men were under terrific pressure to turn out ships for the new fleet, but confusion reigned and production lagged. Some twenty years later Silcox summarized his task at Seattle, which included, he said—

Establishing a central employment office capable of clearing at least 5,000 men a month; providing places of shelter for thousands of men who must otherwise shiver in the rain till locked gates were opened for changes in shifts; preventing labor from lying down on the job and management from perpetuating grossly unfair hiring and firing methods; working out an orderly method of classification and equitable scales of pay with a wide variety of unions; providing opportunities for and participating in the arbitrating of grievances and disputes, including long-standing deadlocks with coppersmiths, boilermakers, caulkers, and other labor groups, through an impartial governmental agency.

All this called for the unearthing, correlating, and interpreting of an amazing variety of facts, then evaluating them in terms that took full account of wartime mass psychology and behavior. Silcox began—typically—by seeking out informed and competent help and advice. He appealed to a group of scientifically trained men at the University of Washington, who gave him their cooperation in generous measure.

Among members of this "research board without portfolio," as it has since been called, were Dr. Henry Suzzallo, then president of the University and chairman of the State Council of Defense, later head of the Carnegie Foundation for the Advancement of Teaching; William F. Ogburn, then professor of sociology, subsequently director of the Consumers Advisory Board of the NRA and a special adviser to the Resettlement Ad-

ministration, and since 1933 professor of sociology at the University of Chicago; Carleton H. Parker, dean of the College of Commerce, who gave so freely of himself emotionally and mentally in solving wartime problems that he burned himself out and died of pneumonia; and R. G. Tugwell, at that time an assistant professor of economics, later under secretary of Agriculture, and recently governor of Puerto Rico.

Silcox worked in a welter of suspicion and threats in those Seattle days and took pride in being able to take "in his stride" whatever came his way. But Governor Tugwell has told¹ how angry Silcox became when the Emergency Fleet Corporation "came down on him" for not reporting what it said was sabotage by shipyard workers "whom Navy Intelligence seemed to know all about." Silcox proved that the ships in question were opening up at sea not because of sabotage by workers but because of the yard managers' failure to replace compressors that had repeatedly been reported to them as incapable of driving rivets properly.

"Then he composed what he always afterward held to have been a masterly wire to Washington," Dr. Tugwell relates. "The gist of it was that if they would spend . . . more time getting proper equipment for outraged workmen, rivets would be hammered home, ships would be built in good order, and the West Coast saved for Americanism. The incident was consigned to files and no more was heard of sabotage—except, of course, from Silcox, whose sense of humor emerged rapidly from the whirlpool of his imagination."

One of the primary objectives of the President's Mediation Commission was to settle labor problems in the Pacific Northwest so that the shipbuilding and aircraft programs might proceed promptly and efficiently. And it was in this field, according to official Department of Labor records, that Silcox "did excellent work" before being brought east to reorganize and vitalize the

¹ "Forester's Heart," 102 *The New Republic* 304-5 (March 4, 1940).

U. S. Employment Service. Here he first correlated the work of the state and federal employment services in Massachusetts and then served as state director in New York until that position could be filled by Henry Bruère. Seventeen years later when he was president of the Bowery Savings Bank, Mr. Bruère was responsible for the choice of Silcox as the man to arbitrate the 1936 building service strike in New York City. But Congress failed to pass an appropriation, and in 1919 Silcox resigned from the Department of Labor.

In April his reinstatement in the Forest Service was recommended. His former position at Missoula, Montana, had never been filled permanently, and his assignment there "was urgently necessary in the public interest." But again the telephone intervened, as it had when he was about to go to France. At the Cosmos Club in Washington a few days later Silcox made the decision that led to his fourteen years' association with the printing industry.

Conciliator, Arbitrator, Educator

THE man on the other end of the wire was H. P. Kendall, chairman of the Committee on Industrial Relations of the United Typothetae, which was and still is both a trade and an employers' association. Thoroughly familiar with the way Silcox had dealt with labor in the Seattle shipyards, Kendall was convinced that here was a man with the ability, philosophy, courage, and personality required to realize Kendall's own vision of what industrial progress and employee-employer cooperation should be in the highly complicated commercial printing industry.

After their Cosmos Club meeting an enthusiastic Silcox went to New York, Boston, and Cincinnati, where he sold Kendall's plan—which by now was his—to local groups and key executive committee members of the Typothetae. Then a Bureau of Industrial Relations was set up to act as a clearinghouse for labor information, to give members throughout the country advice on labor

problems, and to help formulate labor policies. Its headquarters were in Chicago. Silcox was its first director.

The new Bureau faced a highly complicated and exceedingly delicate situation. The Typothetae had more than its share of problems, many of which stemmed from the war. Others were due, directly or indirectly, to the fact that the printing industry included small as well as large plants, many strong local groups in intense competition, and many employers who had worked their way up through the ranks of organized labor and many others who had not. It was organized in a national association divided into open-and closed-shop divisions each of which was suspicious lest the other gain control.

The issue of the forty-four-hour week was also a major problem. It presented a challenge to Silcox's powers of diplomacy and constructive thinking that he thoroughly enjoyed. The unions finally struck on a national scale for the forty-four-hour week. One result was that the Industrial Bureau was continuously under fire from its open-shop employer members. But the record testifies that they were convinced of Silcox's fairness, that his efforts met with widespread approval, and that the Bureau came through with flying colors.

Almost before the smoke of battle cleared, the New York Employing Printers' Association asked Silcox to become not only director of its Bureau of Industrial Relations but also secretary of its Printers' League. The purpose of the League was collective bargaining with printing trade unions on wages and shop practices.

This recognition of his ability to deal constructively with labor gratified Silcox. The confidence union leaders had in him was always very dear to his heart. And it paid dividends. For with neither strike nor lockout, both League and labor unions enjoyed happy and smooth relations during the next eleven years.

Silcox now had a real opportunity to delve into certain problems in which he had been deeply interested ever since his early days

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with the Forest Service in its Northern Region. One of these was the training of youth, but this time in New York City instead of in the woods, for printers rather than foresters, and through two new vocational schools for apprentices.

The apprentices attended the schools one afternoon each week on their employers' time, plus one evening each week on their own, for four full years. Both schools were approved by the New York City Board of Education, and both were jointly directed and financed by that Board, the Printers' League, the unions, and the apprentices themselves. One school, opening in 1925, taught the theory underlying presswork and provided training on its own job and binder presses. The other, opening in 1928, taught machine typesetting with its own up-to-date equipment.

These two schools are still operating. So is an older one that was greatly strengthened while Silcox was with the industry. For years, with a combined enrollment of around eight hundred, these institutions have made possible the selection by industry of men grounded in the fundamentals of the trade and fully abreast of the latest developments in its technology.

Before this adventure in education Rexford G. Tugwell had joined the faculty of Columbia University in New York, and the earlier West Coast acquaintanceship between Tugwell and Silcox ripened into a warm and genuine friendship. When Franklin Roosevelt was elected to the presidency in 1932 and Tugwell became assistant secretary of Agriculture, it seemed almost a foregone conclusion that the capable, humanistic, and liberal-minded Silcox would be urged to return to the public service under the New Deal.

And so it was. Late in 1933 R. Y. Stuart, who had been chief of the Forest Service since 1928, met a sudden and tragic death. Tugwell telephoned Silcox to come to Washington and on November 15, 1933, the one-time \$900 a year forest student was named as Major Stuart's successor.

Chief of the Forest Service

THE country that had recently passed through one economic epoch was on the threshold of another when Silcox moved to Washington late in 1933. He was convinced of the need to adapt many premises to new conditions with respect to natural resources like land and water, for they were the sources of raw materials and of employment and income. Moreover, he felt sure that forest land and its products and services would play increasingly vital roles in the social and economic changes that lay ahead, and he was both willing and eager to fight for this belief.

The opening skirmish came quickly. The lumber industry had sung "God praise forest conservation" for years but, except for a few forward-looking leaders, had been exceedingly chary about practicing it. Through a pending NRA code this industry was now well on the way to controlling the prices of products it manufactured—without in any way modifying its age-old concept that individuals and corporations might denude forest land they owned by ax or saw or fire if, as, and when they wished to do so. The Code was unsatisfactory to the new chief of the Forest Service and its approval lagged mysteriously and unexpectedly until, with one apprehensive eye on the President, the industry reluctantly and grudgingly accepted a conservation amendment.

The basic concept of the amendment required such management of forest lands as would keep them at least reasonably productive. Through it, and for the first time in history so far as these authors know, this country's lumber industry recognized the premise that the public *does* have vital interests in privately owned forest land, and that private ownership *does* carry with it definite obligations to help protect those public interests.

But Silcox was not yet satisfied. He pointed to the lack of an assurance that obligations recognized on paper would be redeemed in the woods. To overcome this weakness, and to give the public "a real run

for its white alley," he tried to get the industry to agree that the Forest Service should check on compliance with woods practice rules. Failing, he put this issue high on the agenda of the first conference he and his staff were to have with the field generals and captains of their organization.

The day this conference opened was as cool, crisp, and invigorating as only a perfect fall day can be at an elevation of about four thousand feet with a near-by backdrop of rugged mountain peaks. But there was an undercurrent of anxiety in the meeting itself. What did the new boss really think of the outfit? What objectives and policies would he propose? How visionary might some of them be? What, in short, lay ahead?

Silcox was in fine fettle. He paid tribute to what he said was the first organization in this country to fight for the conservation of timber, grass, and water power through planned land-and-resource use. It was great to be back "with a gang so versatile and resourceful that I'd be perfectly willing to take it to South Africa, for example, and build a railroad or anything else." Tensions relaxed. Nods of agreement appeared here and there. The stage was set for one of the two objectives that were to dominate all others while he was chief of the federal Forest Service.

There was always danger, he continued, that bureaucracies might become satisfied with their own decisions and permeated with a holier-than-thou attitude of self-righteousness. With its rapidly expanding responsibilities the Forest Service must be more vigilant than ever to keep out of this category. It must tie itself still more closely to local communities and keep wide open the channels by which citizens could see and judge decisions, actions, processes, and their effects. "Then, and not until then," he emphasized, "can you and I and all of us honestly say we are conducting a federal agency on a truly democratic basis, with people and communities having a real and actual voice—not merely a gesture—in vital questions of policy and practice that affect them."

The national forests had always been the pride and joy of the Forest Service. Silcox knew this and used the knowledge in resetting his stage. He had been away, he said, for sixteen years. While bringing himself up-to-date he had learned among other things that the national forests had grown until they were now located in thirty-one states, Alaska, and Puerto Rico; that nearly one million people now earned their living from them; that between eight and nine million people used them each year for camping and other simple, health-building purposes; and that the area burned over in 1933 was less than 0.1 per cent of the 160 million acres of public land within their boundaries.

Silcox noted that the publicly owned properties protected, developed, and administered by the Service were valuable and exceedingly worth while. But since his was an audience of foresters he was sure they knew that the best, most productive, and most easily accessible three-fourths of our forest land was privately owned, that it furnished more than 95 per cent of the timber we used, and that forests on it had always been subject to destructive cutting. He reminded his leaders that the Lumber Code's conservation article called for self-regulation by industry, which he said meant in effect that a few big competitors were trying to regulate a lot of little ones. This, he predicted, was bound to fail, and cut-out-and-get-out would again be rampant on privately owned forest land generally. He was right: in 1939 of the 202 million acres of commercial forest land in industrial and other nonfarm ownership less than 11.5 million were under a system of sustained-yield management.

This cut-out-and-get-out practice, he said, was a key factor in a forest problem that for years had been getting more and more serious. The broader problem could not be solved successfully until the Forest Service came to grips with it. He was, therefore, setting up as a major objective the establishment of a nation-wide forest policy that would affirmatively stop devastation and deterioration on privately owned forest land,

then rebuild forest lands generally and keep them continuously producing usable goods and services as a means of establishing more stability and greater security for families and communities.

The conference was hardly over before the lumber industry accepted this challenge, thereby giving Silcox the opportunity he had been looking for to get the issue squarely and forcibly before the public. As the battle was joined he pointed to tar paper shacks and rusty tin cans that had replaced attractive homes and geranium beds in hundreds of communities where forests once seemed inexhaustible. He talked and wrote about towns in the Lake states, the South, and elsewhere that had been prosperous lumber towns not so long before but were ghost towns then.

All this was bad enough, Silcox reiterated time and again, but social and economic conditions like those in rural slums were worse. He reminded people that these rural slums already existed in more than 1,200 counties and already affected approximately one half of all our farms; that in them living standards were unbelievably low, educational facilities were meager, and under-nourishment was common. He made the point that nearly 60 per cent of the land in these rural slum regions was forest rather than agricultural, and that although most of it had been ruthlessly exploited, the greater part still bore forests of some kind. He admitted that these forests were badly crippled but called attention to the fact that they constituted a living resource and could still be built up. Given a fair chance, he emphasized, these forests could then produce continuous crops and continuous jobs. In most rural slums, in short, forest rehabilitation offered what appeared to be a major opportunity for human rehabilitation.

To implement his policy Silcox proposed a nation-wide action program, based on the conception that forests could no longer be considered as an end in themselves but must be treated as tools in the service of man. The program aimed at an economy of plenty

rather than one of scarcity. It took into account the fact that well-forested slopes render public services—like helping to prevent floods and erosion and to regulate water that is used for irrigation, power, and domestic purposes—that are worth more to 131 millions of people than the land and its physical resources could possibly be to the relatively few people who might own it.

This action program had three basic measures: one, public ownership and management of more forest land by communities, states, and the federal government; two, continuation and extension of public cooperation with private owners of forest land; three, public regulation of woods practices on privately owned forest land.

Silcox proposed this three-point program in 1937. In 1938 the President suggested one that also included the same three points. In 1939 Silcox was offered the under-secretaryship of the Department of the Interior; declined it, despite pressure from high places, because of his conviction that he could be of greater service by remaining at his post in Agriculture; urged adoption of the President's forest program "as one way to help America prepare for events the shaping and timing of which may be beyond our power to control." Then, not long before his death on December 20, 1939, he composed a message to the organization of which he was chief.

This message was short, but prophetic. It revealed what were probably the most fundamental of the man's beliefs and philosophies. Under the title "Guarding Democracy" it read:

We are on the eve of another Christmas. Another New Year will soon be here. And although these are days when armies march as dictators command, America stands firm for democracy.

It is the job of every one of us to help maintain that stand.

As a Nation we draw civic and spiritual guidance from the Declaration of Independence and the Constitution. For most material things on which our strength is based we turn to the earth, its minerals, its soils and waters, and to the plant and animal life they yield.

As members of the Forest Service we therefore rededicate our efforts to securing wise use of our natural resources. For, sources of raw materials, of necessities of life, and of employment and income, using natural resources wisely and well is fundamental to national defense against military aggression and against the undermining of economic and social structures within our borders.

But abuse and depletion of natural resources are not the only threats to democracy as we know it. Freedom must also be guarded; freedom to seek the truth, and courage to apply it without prejudice or rancor through established institutions in defense of human rights.

You and I are members of an organization permeated by the spirit of public service. Foresters, we are also citizens of a democracy. I am confident, therefore, that our efforts and our lives are also rededicated to preservation of tolerance, kindness, and those ideals that guided our forebears when, seeking blessed sanctuary, they founded this United States of America.

The Man and His Contributions

F. A. SILCOX came from a South that has proudly claimed and acclaimed him, but he had no sectionalism of speech or manner or thought. He was an avid reader and a dreamer of dreams. He had a ranging, penetrating, prophetic vision but also an acute sense of the practical which he consulted but to which he refused blindly to bow.

He headed the American delegation to the Second International Forestry Congress at Budapest. He traveled extensively in Europe and elsewhere. He held honorary degrees from Syracuse University and his own College of Charleston. He transacted official business with members of the Congress, the Cabinet, and the Supreme Court, and many of them were his warm personal friends. But he was "F.A."—or more affectionately and more often "Gus" or "Sil"—to most people with whom he worked and to most of those, both in and out of the public service, who worked with and for him.

He believed it was good sense and good public policy for forest officers to take an active part in the life of the communities in which they lived; he took the lead himself with the Boy Scouts and in Red Cross

drives in Missoula, and had his engineers draw up plans for a city park on the gravelly island in the river.

Silcox liked people and wanted to be liked, but he was not at all worried when local leaders wondered—after things he said about the IWW situation and its nationwide social implications—if he were any longer a desirable citizen for a self-respecting community to have.

Silcox had his share of human frailties. He was inclined to be impulsive, emotional, vulnerable to flattery, and up to a certain point he loved to procrastinate. But he had an affection for woods, trees, and shrubs—a real love that was not recognized by friends generally. He was well above the average as a botanist and a forester. He was blessed with a loyal, devoted, and understanding wife. They delighted to raise fine flowers, found comfort in a garden that overlooked the Potomac behind their home on Lee Street in Alexandria, Virginia, and shared it gladly and freely with their friends.

He was a happy warrior. After winds had carried topsoil half across a continent from midwest ranches like Ed Casey's near Mitchell, South Dakota, he accepted the White House challenge for a huge tree shelterbelt which politically minded anti-New Dealers had damned and most people in the Dust Bowl, and many foresters, had said was a crackpot idea. But Ed Casey raises good crops on his South Dakota ranch now, while in America's bread basket as a whole there are more than sixteen thousand miles of living shelterbelts that check wind erosion, reduce soil moisture losses, and protect homes and cultivated crops on 26,375 farms.

People were always more important to Silcox than systems, procedures, philosophies, or organizations. His policies and projects stemmed from human needs and were planned in relation to them. When he tackled the problems left by the hurricane that hit New England forests and woodlands on September 21, 1938, he drew heavily on experienced Forest Service personnel, cut corners and red tape right and left, got

seventeen thousand men from the WPA and CCC working with state and local authorities to reduce widespread forest fire hazards that menaced lives and property, then organized the nonprofit Northeastern Timber Salvage Administration and vitalized it with a loan from the RFC.

Just sixty days after the hurricane, owners of farm woodlands in New Hampshire delivered the first salvaged logs, which were paid for at lower rates than they tried to get but at two or three times what speculators had been offering. Thousands of wood-lot owners now have received more than nine million dollars for logs that except for Silcox's resourcefulness might never have been hauled out of the woods. Local people who needed work, running local mills that might otherwise have been idle, have sawed most of those logs into lumber. As the salvage job moves toward its close the chances seem good that the nonprofit concern will pay out on the principal and, perhaps, part of the interest for which the RFC had asked.

Another contribution made by such Silcoxian adventures as the shelterbelt and timber salvage projects and by his advocacy of nation-wide public forest regulation was to vitalize and broaden a Forest Service that the new chief thought in 1933 "showed signs of having become rather staid and set in its ways, and a little narrow, perhaps."

He also redesigned the organization of the

Forest Service so that it might function efficiently under new conditions and enormously increased administrative loads; he sharply emphasized that long neglected group of activities that have the purpose of helping states and private owners to solve their many forest problems; and he secured approval from the Department of Agriculture and the Civil Service Commission for a reclassification of positions and salaries in recognition of increased responsibilities.

According to Scott Leavitt, who was one of his forest supervisors then, and who later served Montana with distinction in Congress, Silcox was slender, keen-eyed, and dark-haired in those Missoula days—"courteous with that charming manner which was his inheritance and which he never lost, with ability stamped all over him and alertly sure of himself." But neither then nor later was there anything about F. A. Silcox of the smooth, silent, methodical, precise mechanism that meets what has been America's standardized specifications for a successful administrator.

His character and his contribution were too broad for that. As Dr. Tugwell wrote of him in the *New Republic*:

... he filled a generation of young foresters—not all pack-horse rangers as he had been, but many of them scientists, management experts, even statisticians—with a wholly new spirit, one which contained the old loyalties but which went far beyond them.

Reviews of Books and Documents

Scholar and Statesman

By John M. Gaus, University of Wisconsin

THE FUTURE OF GOVERNMENT IN THE UNITED STATES: Essays in Honor of Charles E. Merriam, edited by LEONARD D. WHITE. University of Chicago Press, 1942. Pp. ix, 274. \$3.50.

EDITED, appropriately, by Leonard White, whose preface conveys exactly the right note and atmosphere, this tribute volume has a greater unity than most such collections, and one that should appeal to all interested in public administration. This unity arises in part out of careful assignment and editing. "Each [contributor] has taken one of Merriam's many interests and in this volume sought to forecast the kind of governmental problems and solutions that are likely to emerge." This plan has been well carried out; and in each of the papers some reference underscores the part—frequently an important, even decisive, one—which Mr. Merriam has played in the developments in the field surveyed.

But more than this, these students and associates reflect the spirit and objectives of their teacher; as White well says, "to all these students he gave faith in the capacity of man for a better life through tolerance and reason coupled with a willingness to fight for progressive ideals." Merriam's own brief account (published as the first chapter) of "The Education of Charles E. Merriam," which includes a superb passage from what the reviewer judges to be his best book (*Chicago: A More Intimate View of Urban Politics*), portrays one who has a respect for humanity, a vision of the role of the political scientist in serving it, a pride in accomplishment, and a shrewdness in strategy, tactics, and maneuver. Every reader of the chapter will look forward to his volume of memoirs and hope that the variety of his activities will not prevent his finding the time and energy to give us the major work which it can be.

Despite the disclaimer which he characteris-

tically uses in conferences that he knows so little of administration, a disclaimer repeated again in his chapter here, he notes many enterprises in this field which he initiated or shared—Chicago City Council activities, the invitation to serve on the Taft Commission, the program at the University of Chicago, the Spelman Fund and Public Administration Clearing House programs, the Planning Board, the President's Committee on Administrative Management, and many others. And these activities, we note, were only a part—perhaps he would say the periphery—of his work as teacher, scholar, and participant generally in political science, university policy, and civic affairs. He created a great center of teaching and research in political science, and by the encouragement and stimulation he gave to his colleagues and students and the place he made for new ideas he has profoundly influenced the work in political science in universities and research institutions throughout the world. Of the major interests he has fostered in the program of the University of Chicago, only the fields of civic education and public reporting are unrepresented explicitly here, and yet even those, characteristically enough, permeate much of the treatment of the other topics.

The chapters that will prove of particular interest to students and practitioners of public administration constitute the bulk of the volume. They include those by Lasswell on "The Developing Science of Democracy," Lepawsky on urbanism, Vieg on planning, Key on "Politics and Administration," Harris on management, and White on the public service. But Miss Overacker's meaty and concrete discussion of campaign funds should also not be missed. The other chapters are by Rosten on the press, Gosnell on parties, on sovereignty by Cohen, and on world politics by Schuman. The "forecasting" contained in these papers is pretty much without surprises and is "interesting if true."

It is not the most valuable element in them; but one has more confidence in it when one notes that the authors candidly record uncertainty or even the probable continuance of situations they deplore. Thus neither Lepawsky nor Harris see much hope for a simple structure of government so far as the relation of local, metropolitan, regional, and national levels are concerned; Vieg notes the failure of planning agencies to get accepted and assimilated; and Key, in a most thoughtful essay full of valuable warnings to the student of administration, points out the dangerous trends and, almost alone among the contributors, discusses the extremely difficult yet urgent problem of legislative organization and procedure.

Lasswell comes at this problem of the political basis of government in his discussion of the need and provision for more exact methods of determining and discussing public issues and attitudes, and at the end (after a somewhat overtechnical passage for this volume) strikes the important theme of the value of exact methods of observation here and now. This note is the more useful in that the very rush of new organizations, lines of research, and other challenging and exciting developments, as well as the interest in recording "trends" which are necessarily generalizations, have perhaps served further to widen the gulf between the scholar and the great mass of citizens who may be having quite other interests than a concern for the topics discussed in this volume. Thus a some-

what optimistic tinge to some of the chapters seems to have been achieved by ignoring the prospects for the next few decades of a tremendous increase in veterans' preference in the public service, the special problems of a "garrison state," the possible reaction from New Deal, War and postwar regulation to "normalcy" and "tranquillity," and the extreme complexity of government. In view of Mr. Merriam's legislative services in the Chicago City Council, as well as its innate importance, we should have had a chapter on legislatures.

The very Merriam-esque humane ideals of the writers—put most effectively by White (p. 217) when he concludes that "The potentially great resources of America need to be geared up to the maintenance of better conditions of life for all the American people and to the achievement through service of a better world"—needs to be supplemented by a realistic appraisal of what the legislative traffic will bear. And a chapter on public reporting, a subject initiated at Chicago as one worthy of academic treatment, would, in the hands of Beyle or McCamy, for example, have been appropriate.

The volume will be helpful to the teacher for the specific chapters; but it is most suggestive in reminding us that the single scholar who is not afraid to risk new ideas, and who will constantly place wide views before his students and colleagues, can still affect our huge universities, our sprawling cities, the nation itself, and the world of learning.

Reorganization — How It Works

By Charles M. Kneier, University of Illinois

THE MINNESOTA COMMISSION OF ADMINISTRATION AND FINANCE, 1925-1939: an Administrative History, by LLOYD M. SHORT and CARL W. TILLER. The University of Minnesota Press, 1942. Pp. xiii, 160. \$2.00.

THE movement for administrative reorganization in state government, which started about 1909, has been accepted generally by academicians at least as a desirable goal. The consolidation of departments and the extension of the governor's authority over the administrative branch—centralization of authority

and responsibility—have been presented as the first prerequisites of successful administration in state government. Few skeptics have appeared in the academic circles. F. W. Coker, writing in 1922, expressed doubts as to some of the generally accepted principles of administrative reorganization.¹ Two questions raised by him were:

"First, in the matter of the single headed administrative department, is it true that for all such departments unity of power and responsi-

¹ F. W. Coker, "Dogmas of Administrative Reform," 16 *American Political Science Review* 409 (1922).

bility is of more importance than continuity of policy and the maintenance of relations of mutual respect and confidence between head and staff? . . . Secondly, are we not in danger of carrying too far the idea that popular control is advanced chiefly by placing vast powers in one elected officer, with the expectation that this officer will feel responsibility so certainly fixed upon him that he will be more sensitive to public opinion than he would be if he possessed a narrower allotment of power?" Some ten years ago, Harvey Walker suggested, with a tone of skepticism, that the time for evaluating the results of administrative reorganization had come.¹ The present study is a contribution to that need.

In 1925, Minnesota joined the list of reorganized states. As a part of the plan, a three-man commission, the Commission of Administration and Finance, which came to be known as the Big Three, was created with extensive supervisory powers over the operating departments. When the three-member Commission of Administration and Finance was abolished in 1939, being replaced by a single-headed Department of Administration, the time seemed opportune to study one attempt at state integration through an agency responsible to the governor. The work of the Commission in the performance of such auxiliary services as budgeting, personnel, purchasing, and post-auditing gave an opportunity to study the problems arising out of the relationship of such an agency to the operating departments. Rather than a study of administrative reorganization generally, it is an analysis of a part, an auxiliary agency which was established to aid the governor in the problems of management. Administration cannot be broken up into segments, even for the purpose of investigation, as the authors themselves recognize. To secure a complete picture, the supervised or line agencies must be studied as well as the supervising or auxiliary agency. Some of this has been done; but the study is centered on the one agency—the Big Three.

Increased attention has been given in recent years to measuring government, especially at the local level. Clarence E. Ridley and his associates on the staff of the International City

Managers' Association have been pioneers in this field, seeking to secure means of measuring the effectiveness of municipal governments, especially in the performance of line services. If the difficulties in measuring the effectiveness of a line service or the efficiency in its performance are great, those met in an attempt to measure the success or effectiveness of a staff or auxiliary agency are greater. Administrative reorganization is not a single factor determining the cost or the adequacy of a governmental program. It is only one of several factors and the causal relation is hard to establish. There is danger in measuring the consequences of administrative reorganization by its effect upon expenditures. The purpose of the administrative agency is to render service to the people, either directly or indirectly, and that as well as the cost must be considered. As pointed out some years ago by J. Mark Jacobson, state administrative structure is not subject to the statistical approach.² In the case of a staff or auxiliary agency, some attempt may be made to measure overhead or supervisory costs, but here, too, the difficulties are great because of the many variable factors which are involved.

The present study does not answer statistically the question as to how much the Big Three contributed to increased economy and efficiency in the administration of public business in Minnesota. The authors set no such goal; as described in the subtitle, the study is an administrative history. They have certainly fulfilled the hope expressed in the preface to provide the people of Minnesota with "a readable and substantially accurate account of the history of one of their most significant governmental institutions." All students of public administration are indebted to them for a case study which throws light on the question of integration through an agency responsible to the governor. The study is especially valuable in that it shows the difficulties and disadvantages of a commission rather than a single head for such work. The experience in Minnesota, as presented in this study, provides some important guideposts—some danger signals and some absolute do nots—for the guidance of those who are interested in the problem of administrative reorganization, and more particularly in the

¹ Harvey Walker, "Theory and Practice in State Administrative Organizations," 19 *National Municipal Review* 249-54 (1930).

² J. Mark Jacobson, "Evaluating State Administrative Structure—The Fallacy of the Statistical Approach," 22 *American Political Science Review* 928-35 (1928).

problem of integration through various financial controls.

The way in which a governmental plan works depends in large part upon the type of person selected for its operation. It seems obvious, however, that the plan may to some degree determine the type of person who can be attracted into the service. Thus the manager plan of city government enables good men to secure better results; but advocates of the plan maintain, and justifiably so, that it tends to attract better men than do other forms of government. Likewise an administrative plan may be such that it tends to attract and be of interest to men of ability. The defects of a plan and the opportunities of securing results may be such that the type of man needed is not interested. He may see that the organizational defects are such that the plan is doomed to failure.

Governors have sometimes paid lip service to the principle that good administration is good politics. In actual practice, however, they have in most cases seemed to put emphasis upon good politics and trusted that the results would not be too disastrous from the viewpoint of administration. To some degree this appears to have been true in Minnesota, the authors stating that "a majority of the commission members were reasonably well fitted for their positions." As one reads the details of the section on commission personnel one wonders if the authors have in the statement quoted above "damned by faint praise."

Much has been written about the undesirability of boards for purely administrative work. The present study lends support to that argument. The commission idea was copied from Massachusetts where a Commission on Administration and Finance had been established in 1923. A single-headed department was avoided on the ground that it involved an excessive concentration of power which would be subject to abuse under a corrupt governor. In the earlier years the Commission appears to have functioned as a unit, the meetings being

concerned with the entire business of the department, and the meetings offered a chance for coordinating the work of the various divisions. After routine was established the commissioners began to take more and more individual responsibility for details of administration, bringing their actions to the commission meetings only for approval and ratification. Even then, however, the first commission deliberated at length on personnel orders, general rules, and budgets of the departments. In later years these matters too became the

province of a single commissioner, subject to formal ratification by the commission.

The defects of the commission form of municipal government in performing administrative work were repeated in the experience of the Commission. The change to a single-headed Department of Administration in 1939 is amply justified by the previous experience.

The law establishing the Commission provided that it be organized in three divisions, a comptroller's division, a budget division, and a purchase division, a commissioner being in charge of each. Certain duties with respect to personnel were also given to the Commission. Except for a part of one year, the budget commissioner was designated as director of personnel. The Commission failed to coordinate the work of its divisions. While this might have been secured through the Commission meetings, the authors report they were "not related to problems of coordination." This weakness was apparent in the relationship of the Commission with other state officials and agencies. For illustration, the purchasing division not infrequently made purchases for departments in excess of allotments allowed by the budget division. While the Commission created the position of executive secretary, that officer was not successful in coordinating the work of the divisions. Since the act itself delegated the various activities to specific Commission members, the executive secretary had few "executive" duties. One gains the impression that the failure to coordinate activities was to a limited degree a question of personalities, but one concludes that on the basis of the Minnesota experience the use of a board for this type of work is an organizational defect, an error in fundamental principle.

Economy and efficiency were sought in the Minnesota reorganization more by financial controls than by the consolidation or abandonment of existing boards or departments. The Commission of Administration and Finance was given significant powers in connection with budgeting, personnel, purchasing, and post-auditing. The executive-type budget proved ineffective first of all because the budgets themselves were not complete financial programs. "Completeness in the budget document was achieved only sporadically. Rarely did the budget actually present a well-rounded fiscal plan for the state." In earlier years the commis-

sioners worked together in the preparation of the budget; in later years it came to be looked upon as the budget commissioner's work rather than that of the whole Commission. In actual practice the budget was not in many cases looked upon as the governor's budget, his participation in its making being negligible. The legislature, and especially the senate, made limited use of the budget. Department heads appeared before legislative committees in support of their original requests rather than abiding by or supporting the budget recommendations. Governors, with one exception, did not use their veto, and especially the item veto, to protect the budget which the law said was theirs, but which in practice was that of one member of the Commission of Administration and Finance. This experience indicates that more is needed than a budget prepared by an appointee of the governor. Much depends upon the attitude of the executive and the legislature, and especially upon the extent to which the executive is willing to "go to bat" to protect his budget. If he is not willing to use his various political and other powers to influence legislative action on the budget, and his item veto to prevent increases, the executive budget may become meaningless.

While the Commission had an allotment power, governors were unwilling to permit its use to keep expenditures within the original budget recommendations. They did not see fit to defeat an expressed legislative policy in order to protect their budgets. The allotment system, under which legislative appropriations were not available to state departments and agencies until quarterly allotments had been made by the Commission, appears to have been of limited effect as an instrumentality of economy. It did have value in requiring the departments to plan their expenditures and to justify their requests. The lack of cooperation between the governor and the Commission, especially in the latter half of the Commission's history, mitigated against its success. The governor directed departments to undertake activities which could not be performed within the budget allotments. Rather than making use of this auxiliary agency, some governors went directly to the operating departments to make known their desires relative to expenditures. The experience in Minnesota would appear to support the obvious truth that a staff or auxiliary agency

is of little value if it is not used by the executive. The effectiveness of a program of such an agency can be sabotaged by the indifference of the executive as well as by his direct opposition.

Economy in expenditures was also sought by giving the Commission the power to review disbursement documents before payments were made. Since there was an elective state auditor it was necessary to avoid duplication and conflict. This end was reached by giving the Commission the power of administrative preaudit and the state auditor the power of legal preaudit of disbursements. Postauditing was a function of the comptroller. Placing the power of postaudit in the hands of the comptroller, who was appointed by and directly responsible to the governor, proved to be of doubtful wisdom. The study indicates some evidence that the postaudit power was used to attack political enemies or to favor political friends. The desirability of a legislative or independent postaudit is supported by the experience in Minnesota. A more satisfactory solution of the problem than that provided in the act of 1925 would have been to give the preaudit power to the Commission and that of postaudit to the elective state auditor. The recommendations of the President's Committee on Administrative Management relative to the auditing function in the national government would find support in the Minnesota experience.

The personnel functions of the Commission did not prove satisfactory; in part it was a matter of lack of power and in part of performance. The act authorized the Commission to designate one of its members as personnel director and gave it power to determine classes, grades, and titles of state employees and to fix salary scales for each class, grade, or title. Power to keep personnel records and to transfer employees temporarily from one department to another was given. No power over the recruitment or removal of state employees was given to the Commission. Insofar as the Commission performed the recruitment and removal function, it was extralegal and in large part for partisan purposes as the patronage representative of the dominant party. The lack of a merit system was serious and was finally met by the enactment of a civil service act in 1939 when the Commission was abolished.

As a means of furthering expenditure control, the act of 1925 provided for centralized

purchasing. This part of the program appears in operation to have been the weakest; as expressed by the authors "the purchasing division hardly made an enviable record for itself." This deficiency resulted not from irregularities in actual purchasing but rather because the Commission never accepted its full statutory responsibility and failed to take advantage of its opportunities. The procurement function involves more than large-scale purchases from the lowest responsible bidder on the basis of departmental requests.

As suggested above, there is a need of case studies in state administrative reorganization. These inquiries should aid in determining what has and can be accomplished by such plans, the limitations in actual practice, and the dangers

or pitfalls. The study of the Commission of Administration and Finance in Minnesota contributes much to our knowledge of the problems met by an agency engaged in performing auxiliary services.

Governors, legislators, and administrators can profit from this study. The adage that experience is the best teacher carries much truth in public administration. Case studies such as this one help to give the answers and make it possible for public officials in one state to profit by the experience of other states. We may not be able to measure statistically the results of administrative reorganization, but as the authors of the present study have demonstrated, we can evaluate on the basis of careful study and observation.

The Administrative Class: Past and Future

By Herman Finer, University of London, and Two Editors in Search of a Reviewer

THE HIGHER CIVIL SERVICE OF GREAT BRITAIN, by H. E. DALE. Oxford University Press, 1941. Pp. xiv, 232. \$2.75.

White: Good morning, Finer. Price and I have been talking about this new book by H. E. Dale. We think someone ought to review it for *Public Administration Review*. I suppose you've read the book. What do you think of it?

Finer: At last we have a book on the administrative class of the British civil service written by one of its members. Dale gives an account of the operations and the mental outlook of the British civil service, especially of the five or six hundred civil servants who collaborate with the responsible ministers not only in directing the whole executive apparatus of the state but in contributing to the formation of policy by their contact with and advice to the ministers. It is the most important work on this subject written for many decades.

White: True, Finer, but my students will still read your own book on the British civil service. While Dale has written a most illuminating account, the gaps in his treatment are themselves illuminating too. For example, he seems not to be aware of the existence of the elaborate negotiating machinery, the Whitley Councils, and of the arbitration tribunal for certain civil service matters, the Industrial Court. Nor does

this gifted representative of the higher civil service comment in any way upon the vast range of problems involved in the public relations of the public service.

Price: The fact that Dale writes about the civil service shows that the strict tradition that he records is perhaps not as binding as it used to be. The very existence of the book is almost a contradiction of some of the traditions that he upholds so vigorously.

White: Yes, but Dale had retired before he put his pen to paper. At the same time it is worth noting that we do not yet have from the pen of any member of the American higher civil service an account of this kind.

Finer: I think it is interesting to notice that what you might call the precursors of the more recent civil service—those that came before 1854, like Chadwick and Cornwall Lewis, were more outspoken. There had been no crystallization of civil service traditions. People like Chadwick, or Kay-Shuttleworth on education, or Southwood Smith on health administration, or William Farr, first Registrar General, talked about their work more in their own persons.

Price: In fact, Chadwick brought the whole poor law system into being by what amounted to a one-man campaign, didn't he?

Finer: The result of that coming to the public, however, was soon clear. All the lightning was

made to strike at Chadwick, and, in regard to public health, with Chadwick's fall you got practically the fall of the General Board of Health itself. That is to say, the civil servant had become too identified in the public mind with the job. He was called, I believe, by the *Times*, injudiciously impatient.

White: I was struck, Price, by the extraordinary similarity between the daily work of a member of the British higher civil service and that of the men who occupy analogous positions in the federal service in Washington.

Price: Aside from the minor point which is now probably no longer true—that the higher civil servant at Whitehall reaches his office at ten-thirty in the morning—I think on the contrary that several important differences can be noticed. One at least grows out of the difference in the social environment of the two civil services, and that is the relative mobility of the American service. The typical Englishman keeps a single position or line of work throughout his life, but the American changes frequently. Here Chadwick might simply have gone to work for a private organization to do research and to lobby in the same field of interest and might hardly notice that he had been fired.

Finer: You said a little while ago, White, that you were struck by the similarities in the duties of the American civil service in the ranks analogous to the higher civil service discussed by Dale. Exactly in what respect are they analogous? Which groups are analogous?

White: Let me illustrate the higher range of the American civil service by one or two examples. The executive officer and chief examiner of the U.S. Civil Service Commission is a career official who in his organization corresponds almost identically, so far as function is concerned, to the English permanent under secretary. Corresponding officials are to be found carrying on the permanent work of most of the great administrative commissions in the federal service. Quite unobserved these positions have developed functionally far beyond corresponding positions in the ten departments, which are still held normally by political figures. However, even in the departments one finds men like Kerlin of Commerce, Burlew of the Interior, McReynolds, recently in the Treasury, to say nothing of a host of bureau chiefs, many of whom would, I believe,

appear as the close counterparts of Dale's higher civil servants.

Finer: Now, is it these last that White has mentioned, Price, that move from job to job and in and out of the service, or have these roughly a stability of position as the higher civil servants of Great Britain?

Price: Some may be permanent, but for purposes of comparison I think it is less significant that we have in the United States bureau chiefs who are not permanent than that we also have, as a matter of course, the heads of important agencies who report to Congress, but who are not political in the sense that they take a leading part in party organization and campaigns. For examples you can take at least a couple cabinet officers, the heads of two of the three agencies that are virtually of cabinet rank, and the heads of the principal units in the Executive Office—who at the present time are about the most important policy-making officials in the government. The whole business is not geared into a single political and legislative machine but is more diffuse. A man's ability as an administrator might keep him in a top job even though he might be opposed by partisan machinery. That fact to some extent balances and offsets the fact that in this country political influence has in the past put a great many men into routine administrative jobs, whereas neither of the two things would be likely to happen in Great Britain.

Finer: Of course that can only happen where that man's opinions or point of view are known. Otherwise partisan disfavor could never be felt or displayed unless it were known that that person had a policy.

Price: But in the United States there is hardly any such thing as partisan favor for such a program. Take any of the controversial social measures of the so-called New Deal, which are opposed strenuously by many of the Democrats and upheld by many Republicans. Here the party discipline does not make for the same identity between party and program that you find in Great Britain, and consequently public knowledge of an administrator's view may have little effect on his administrative usefulness.

Finer: By partisanship I do not refer to a party, or to two or three very well-organized parties opposed to each other—I do not mean it in that sense. I mean that any group in a party or Congress, knowing that a certain officer holds

certain views. It may be a party organization having of a party system. White and no parties, it with his White: W is a very neutral and leadership good leadership Great Britain further condition of the data service in parent service can serve the high positions on writes mance of proves him, into much time and a whenever large pr business different rest the official can dep Finer: A Congre Parlian White: not, alt or app or the the par with the and wi Finer: also loc but the the year Price: their

certain views, may make a dead set against him. It may be, in the American representative and party organization, that you cannot avoid having officials' views becoming known. A set party system is one way of containing the official. Where you have, as it were, nondescript and nonpermanent differences between parties, it is likely that the official may come out with his views.

White: What you say, Finer, suggests that there is a very close connection between civil service neutrality and the party system in your country and leads me to remind you that Dale makes a good deal of the homogeneity of political leadership and administrative direction in Great Britain. Before, however, we make any further comments on this interesting observation of Dale's, let me refer again to his account of the daily life of a member of the higher civil service in order that I may make clear the apparent similarities which I note in the American service. He points out, for example, that the higher civil servant gives written instructions on matters where his direction is needed, writes minutes and memoranda for the guidance of his subordinates, examines and approves letters and memoranda submitted to him, interviews "all manner of people," spends much time in committee work, produces memoranda and documents for the minister, and whenever Parliament is in session spends a large proportion of his time on parliamentary business. At the latter point there is an obvious difference in degree if not in kind, but for the rest the enumeration is sharply reminiscent of official life in the higher reaches of the American departmental service.

Finer: Are they as much bound to the work of Congress as the British servants are bound to Parliament?

White: My impression is distinctly that they are not, although whenever departmental business or appropriations are pending before the House or the Senate, there is a steady preoccupation on the part of the American higher civil service with the views and attitudes of congressmen and with the progress of business.

Finer: The probability then is that they are also looking toward the representative assembly but the exact daily program and peak times of the year differ between the two countries.

Price: They are geared not only to Congress for their detailed appropriations but also geared

to the President for long-run policies; they look in two directions. A man may lose his popularity with Congress, but if the President still wants him he may remain in a very high administrative position.

White: Finer, what Price has just said reveals a situation which hardly exists in your country. Am I right?

Finer: Yes, you are right. What appears to operate in America is a Janus-like attitude where one administrative face is turned to Congress and the other to the executive.

Price: You had it in the eighteenth century.

Finer: Well, hardly on the part of the professional administrators, though truly on the part of the ministers. This duality of loyalty or responsibility does not apply in England; responsibility seeps up through the ministers and is canalized to Parliament.

Price: The civil servants of the administrative class, who continue regardless of the tenure of the ministers, are supposed to be without loyalty to a particular point of view. But if their minister's wishes conflict with the general assumptions of the administrative class itself, are they not likely to be of two minds about supporting their ministers?

Finer: They may have two minds about it, but only one duty and one master. They may feel reluctant to yield to the minister's point of view. It is their duty to press upon him all the arguments which they think are valid to the situation. But if the minister insists, it is their duty to obey, and hitherto they have accepted that duty willingly.

White: Dale, however, puts much emphasis on the proposition that any substantial lack of harmony between the political minister and the permanent civil service has historically been extremely unlikely, owing to the single social origin of these two parts of the British government. Dale applauds this unity of opinion and views with regret, tempered with an appreciation of necessities, the invasion of men from other than the most aristocratic and wealthy families. These young men, says Dale, somewhat overtired from their vast exertions in winning access through the stiff competitive exams to positions in the administrative corps, and lacking that self-confidence which comes from great wealth, never feel themselves quite at ease with their ministers, who in turn, if one may read between the lines, never quite accept

these representatives of other than the highest social classes. This doctrine would seem strange to a Canadian or to an American, and in the kind of world which Dale may well live to see, may result in a new type of homogeneity, political and administrative, which might give Dale even more concern.

Finer: This raises a very interesting question which in a way constituted my very first contact with the TVA and which afterwards I came to write about. In Hugh Dalton's book, *Practical Socialism for Great Britain*, published about 1926, he deals with the problem of the civil servants impartially assisting any government and particularly, of course, a labor government. He observes that during the labor tenure from 1929-1931 there were one or two people who were not amenable, and it became necessary to discipline them. He observes that when the time comes when labor is not only in office but in power, so that it might radically conflict with the existing institutions of the state, it would have to be extremely vigorous if faced with administrative reluctance of this kind. In a footnote he considers the question of asking British civil servants to testify to their belief in the wisdom and feasibility of the labor program, actually taking the phrase from the American statute which directs the TVA to employ only those persons who believe in its purposes. In fact, mainly due to the profound changes in the composition of Parliament which have occurred since 1919 and those which we may yet expect, the relationship between Parliament and the civil service may be expected to become one of considerable controversy. What we have perhaps taken for a fundamental convention, that of neutrality, is contingent upon that homogeneity which White has just emphasized again, and it may involve future generations of civil servants in very serious crises of conscience. The question of neutrality is bound up with the point we mentioned at the outset, that of anonymity, because anonymity is a condition of neutrality. Unless the civil servant is actually unknown and in the background, he will draw upon himself praise or blame from the public and from Parliament according to the favor with which his policies are regarded by those groups. Those who do not like him will never thereafter think that he can serve them impartially should they come into office, and they would be tempted,

which is somewhat the drift of Dr. Dalton's point, to bring in their own experts.

Price: Did not the maxim that you refer to work best in the nineteenth century when civil servants were in fact unknown to the general public and when the individual members of the House of Commons exercised a much more independent judgment in selecting the governing body? At the present time the electorate gives the House a pretty definite mandate to choose a certain prime minister, and it is beginning to recognize the role of civil servants—for example, Sir Horace Wilson. Under these conditions, if the civil service is silent on certain broad issues, it seems to me that the individual administrator is saved from attack, but the future role of the administrative class as a whole is called into question.

Finer: With the intensification of party differences and the intense conviction of each party, politicians become much more sensitive to any seeming divergence from the policy of the government of the day shown by a higher civil servant if his name is mentioned. Take the Foreign Office and particularly Sir Robert Vansittart. About 1935-1936, when the Labour Party believed that the Foreign Office officials were in favor of a pro-fascist policy in Abyssinia and Spain, there were actually suggestions by members of the Labour Party that the Foreign Office officials should be made to swear their loyalty to the League of Nations Covenant.

White: What Price has suggested finds, of course, its sharpest illustration in the developing social tension which finally passes beyond the limits of adjustment. A revolutionary party or movement appears which, if successful, inevitably finds it necessary to recast at least the upper brackets of the public service. This problem, however, is one which happily no English-speaking country has faced for centuries, nor can we believe that it is imminent even in these world-shaking days.

Finer: The interesting thing, White, in respect to the point you have just made, is the gradualness with which an adaptation occurs—particularly in England. As Dale shows, the recruitment of the higher civil service is very largely from the older universities. If the older universities remain hidebound and conservative, the clash between the coming class in Parliament and the coming class in the civil service

might be very serious. But since the last war not merely has Parliament been affected, but Oxford and Cambridge have been affected in the most important part in which they could be—the tutors. So quite a number are Labour Party members or close to that party, particularly on its research side—the Fabian Society, etc. It would have been unthinkable, or at any rate extremely unlikely, that a person with the known social outlook of G. D. H. Cole, A. L. Rowse, Robert Hall, or Maurice Dobb should have been appointed before the last war to a tutorship at Oxford. And consider the implications of men like Professor R. C. Collingwood. Thus, at the very stage of incubation the change is occurring, which means that within five, ten, or fifteen years the actual social outlook of the civil service will have changed in correspondence with the general changes going on in the country as a whole.

Price: There is another point to consider in the effect of the structure of the civil service on the development of politics—the anonymity of the civil service and its very strict coordination by the Treasury Department mean that the government's program is considered much more as a whole in Great Britain than in the United States. Perhaps, Finer, that is why in Great Britain you have at least one party with a doctrine, the Labour Party. In the United States we have no party with a doctrine, but we do have a push on Congress with respect to special programs by special interest groups, for example, a better housing association or an association for the advancement of social work. In Great Britain those forces would tend to fuse into the Labour Party. Here they go at it piecemeal and put over special programs with the support of special groups of administrators who may even help them organize their pressure on Congress. In other words, we have had a pluralistic system of administration and of politics operating under a constitution and a chief executive; whereas in Great Britain you have had a more unified system of administration under a single governing body with collective responsibility.

Finer: Of course a distinction must be made between the historical and social foundations of a convention like that of anonymity, and (once it has been established, however it has been established) its justification for good use today in terms, let us say, of responsibility to

a democratic system. On this one could cite one or two interesting incidents. In 1921 before the Society of Civil Servants, Professor Laski, lecturing on the development of the civil service, was extremely keen on relieving civil servants from the burden of anonymity. He argued that they would be encouraged in their work and that their relations with Parliament would be vivified if reports that they wrote showed their names. It is true that there is something to be said for this. But in 1936 when Sir Maurice Hankey, the secretary of the cabinet, appeared before the Royal Commission on the private manufacture of arms (the equivalent of the Nye Commission in the USA) and very strongly condemned interference with private manufacture, the same author wrote strongly to the *Manchester Guardian* in the name of the convention of anonymity and impartiality, predicting most shocking consequences if this behavior became common. What would happen has become clear in the cases of Sir Horace Wilson, mentioned by Mr. Price, and Sir Robert, now Lord, Vansittart.

White: Will you go into more detail on that point, Finer?

Finer: Sir Horace, by his assistance to Mr. Chamberlain in the appeasement period of British politics, became a byword to the British public and his colleagues and subordinates in the civil service. One of the consequences may be seen from this extract from the latest number of *Red Tape*, the journal of the Civil Service Clerical Association. "It is necessary here to be bluntly outspoken and to ignore the tradition that civil servants may not be referred to by name. If anything is to be done to gear up the service to the needs of the war situation, we must start with a position and a person. The position is the permanent secretaryship of the treasury, the present occupant of which is Sir Horace Wilson. He does not now advise on or determine policy, but he controls the machine which carries it out; and no informed civil servant is in any doubt as to the enormous influence he wields in this field. Now that influence is bad, for in spite of his many virtues, he embodies the traditions of the peacetime civil service whose motto was, 'When in doubt, say no!' If the service is to be galvanized, it is necessary to put in this key position, from which the departments take their cue, an entirely different type of administrator, ruthless, ener-

getic, and if necessary a little unorthodox."

Price: What brought on that denunciation?

Finer: I imagine that if Sir Horace had never come before the public eye to the degree which he did by a breach of anonymity which was scored in special Parliamentary questions, this kind of criticism might have circulated within the service but would never have been expressed in this way with consequences which may be very disturbing.

White: Do you think Dale characterizes the general attitude of the service fairly? And how would you sum it up?

Finer: There seems to run all through Dale's work a certain thread or a number of threads tied up and leading in the same direction. He talks, for example, of a great number of "yes men." He talks of the quietist attitude which many in the civil service take. He talks also of this convention of neutrality. These three things seem also to be tied up with his characterization of the mind and temper of the service as one of "stoical realism." As far as I can tell, this phrase has been invented by Mr. Dale to controvert the attribution of cynicism to the civil service, an allegation which has been made several times by younger men in the service. Summed up in Dale's own words, the gist of this creed is, "They are doctrines of moderation and prudence, qualities abhorrent to enthusiasm or at least not easily reconciled with it." It is easy to those who hold such a view to implement the theory of anonymity and neutrality. This is consistent with the quietist and "yes-man" attitude and hardly consistent with an activist imaginative policy or the creation of policies to be urged upon political ministers.

Price: The war must have stirred things up a little and brought about some less decorous conduct on the part of civil servants.

Finer: It certainly has. For example, this request by *Red Tape* that the service should be galvanized recalls an instance of such galvanization which was appreciated neither by the subjects who were electrified nor by the Civil Service Clerical Association itself. Some months ago the Deputy Regional Commissioner for the Northwestern Region, Lieutenant Colonel Blatherwick, was compelled by the Minister for Home Security, Mr. Herbert Morrison, to tender his resignation. Mr. Morrison charged him with wasting gasoline by taking a National Fire Service football team a distance of 280

miles round trip in a fire truck to meet a Scottish football team, and with absenting himself from his place of duty without adequate notice to his colleagues. Two issues arose out of this: first, whether the minister should proceed by direct administrative decision to eject Lieutenant Colonel Blatherwick or to accede to the requests of the latter's friends in the House of Commons to set up a special court of inquiry to inquire into the facts and to report before a decision was made; and second, whether the former head of the civil service, Sir Warren Fisher, Lieutenant Colonel Blatherwick's immediate superior, acted properly in attacking in a letter to the *Manchester Guardian* the minister's action in dismissing the Lieutenant Colonel on his own responsibility.

In regard to the first point, Mr. Morrison said, "If no one in the public service can be removed from office without elaborate and lengthy inquiry, we shall never get that standard of efficiency that we have a right to expect." In regard to Sir Warren Fisher, who was also asked to resign, Mr. Morrison said, "His action in publicly attacking the minister to whom he was responsible destroyed that confidence between us which is essential to proper working. He was appointed by a minister and was a servant of the executive; and in my judgment so long as he held that position he shared with other public servants the obligation to refrain from attacking the minister to whom he was responsible. As he maintained his refusal to accept this obligation, his continuance in his post became impossible." It is interesting to notice that the Civil Service Clerical Association, which was so anxious to have the civil service galvanized, made a public declaration of disagreement with the minister when he took this resolute action. Thus the civil service seems to be punished by one half of the community when it galvanizes and by the other half when it does not.

Price: Sir Henry Taylor remarked a century ago in *The Statesman* that a government does two kinds of things, the things that it must and the things that it thinks are desirable. And he went on to comment that the ministers he knew in 1836 did only what they had to in order to avoid parliamentary questioning. I am wondering whether the very close way in which the higher civil service is keyed in through the ministry with Parliament is not in some way

responsible for their negative approach. Have the semi-independent authorities such as the British Broadcasting Corporation been set up to give the career public servants less immediate supervision and to encourage them to take more initiative?

Finer: The contemporary situation is different from that described by Sir Henry Taylor, almost exactly one hundred years ago. First, ministers don't merely do what they must, as my languid Lord Melbourne did, because there is the vital difference of the party organization which today makes the running. Furthermore, partly through the party system, Parliament itself would not be reducing the activist element in the executive, but in the course of questions, for example, most likely stimulates the executive to action. I think that in the creation of the semipublic corporations like the BBC and the London Passenger Transport Board, there was an intention to relieve the department of petty partisan intervention in administration. But it is notable that the first-mentioned has been subject, nevertheless, to quite strong control, and, in anticipating the possibility of control, has let itself be flattened out rather more than a traditional department with its minister to speak for itself directly in Parliament. It is noteworthy also that these new

corporations are the direct offspring of private business corporations, which determined their form.

White: Peering into the crystal ball, *Finer*, and with Dale's illuminating commentary on the past before us, what do you see of the civil service of the future?

Finer: This is not the place for an extended discussion of the question, but at least three things seem to me to be coming: first, a more serious and fundamental analysis of selection and recruitment than ever before; second, the possibility that the Establishments Division of the Treasury will be expanded into a Division of Efficiency with far more attention to business efficiency than ever before; also, third, that this may be headed by a secretary with the same status as the Financial Secretary to the Treasury, which practically means that there will be a minister for civil service matters to answer for efficiency and deficiencies in the House of Commons.

White: If the book brings up so many interesting questions, I think we should certainly have it reviewed. Would you do the job for us, *Finer*? We'd need to have the manuscript by the middle of next week.

Finer: I'm sorry, *White*, but I'm afraid that just at the present I'm altogether too busy.

Contemporary Topics

British - American Combined Boards

BY COMBINED action now, we can preserve freedom and restore peace to our peoples. By combined action later, we can fulfill the victory we have joined to attain. The concept of the United Nations will not perish on the battlefields of this terrible war. It will live to lay the basis of the enduring world understanding on which mankind depends to preserve its peace and freedom."

With these concluding words the President forwarded to Congress his report of June 11 on lend-lease operations, which described in some detail for the first time how "Great Britain and the United States have together set up expert combined bodies to do the job, in close cooperation with Russia, China, and the other United Nations."

Two days earlier, on behalf of himself and Prime Minister Churchill, the President had announced that the creation of the British-American Combined Production and Resources Board had completed "the organization needed for the most effective use of the combined resources of the United States and the United Kingdom for the prosecution of the war," and that the establishment of the Combined Food Board would "coordinate further the prosecution of the war effort by obtaining a planned and expeditious utilization of the food resources of the United Nations."

The combined boards are the principal administrative agencies directing the efforts of the United Nations toward the objectives of the Atlantic Charter, as developed in the lend-lease agreement recently signed with Great Britain, China, Russia, and other nations. This basic agreement specifies that the terms of the postwar settlement "shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations."

The basic agreement implies that the present international administrative machinery will be extended and expanded after the war by stating

that the terms of the future settlement shall be "open to participation by all other countries of like mind" and "directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce; to the reduction of tariffs and other trade barriers; and, in general, to the attainment of economic objectives identical with those set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom [the Atlantic Charter]."

The combined boards are attempting to coordinate the immense work of organizing the productive power of the United Nations, allocating production to the military and civilian fronts, and of transporting the raw materials, the food, and the military matériel when and where they are most needed. Besides production and resources and food this group of combined boards and committees now includes agencies concerned with munitions assignments, raw materials, shipping, aircraft, blockade problems, and blacklisting.

The combined board, as a type, provides for the collaboration, for purposes of over-all policy determination, of representatives of national operating agencies. The international combined board includes responsible national administrative officials in charge of operating agencies, so that a decision of the combined board is readily translated into action through the several national administrative agencies. Direct contacts between subordinates are also encouraged. Other agencies in addition to the main operating agency may also be represented on any combined board.

None of the combined boards or other international administrative committees represent all the members of the United Nations or even the five most powerful ones. Rather, the interests of these nations are linked together by two-nation boards which are not, at least

ostensibly, geared into each other. There are Anglo-American, Anglo-Soviet, and American-Soviet committees, Anglo-Canadian and American-Canadian committees, and, within the British Empire, many intercommonwealth economic committees and boards.

Of primary interest is the way in which the British and American governments are cooperating through the use of the six combined boards described in the President's report to Congress. The six are: the Combined Chiefs of Staff, the Munitions Assignments Board, the Combined Raw Materials Board, the Combined Shipping Adjustment Board, the Combined Production and Resources Board, and the Combined Food Board.

The Combined Chiefs of Staff comprises the ranking staff officers of various branches of the American and British armed forces. It meets in Washington to formulate the broad strategic plans to which the actions of the other combined agencies are adjusted.

The Munitions Assignments Board, with committees in Washington and in London, was set up when Prime Minister Churchill and President Roosevelt conferred in Washington in January, 1942. The President and the Prime Minister announced that "the entire munition resources of Great Britain and the United States will be deemed to be in a common pool" and that committees "under the Combined Chiefs of Staff . . . will advise on all assignments both in quantity and priority, whether to Great Britain and the United States or other of the United Nations in accordance with strategic needs." The board has two coordinate branches, sitting in London and Washington. Each branch is staffed by representatives of the armed forces of the two nations but has a civilian chairman. Mr. Harry Hopkins heads the Washington board. Three Munitions Assignments Committees, for Ground, Navy, and Air, report to the Washington board and do most of its work. The board assigns finished munitions to one force or another in accordance with strategic needs, regardless of nationality, and regardless of which national agency originally ordered them. The Lend-Lease Administration acts as the central recording agency for all lend-lease munitions transfers.

The Combined Production and Resources Board nominally consists of the chairman of the War Production Board, for the United

States, and the Minister of Production for England. Chairman Nelson, however, has appointed James S. Knowlson, new vice chairman of WPB and chairman of its Requirements Committee, to serve on the board as his deputy, and Captain Lyttelton has appointed Sir Robert J. Sinclair, director general of Army Requirements in the British War Office, as his deputy. They work in Washington. W. Averill Harriman and Philip D. Reed are the American representatives in London. The job of the Combined Production and Resources Board is to combine the production programs of the United States and the United Kingdom into a single integrated program, adjusted to the strategic requirements of the war. Besides "operating" members of WPB working with their "opposite numbers" in England, the board has a combined planning staff. The board is not subordinate to the Combined Chiefs of Staff, as is the Munitions Assignments Board, but it collaborates closely with it.

The Combined Raw Materials Board, as announced by the Prime Minister and the President on January 26, is composed of "a representative of the British Government and a representative of the United States Government." (The American member is Mr. William L. Batt of WPB and the British member is Sir Clive Baillieu representing the Minister of Supply.) Its job is to "plan the best and speediest development, expansion and use of the raw material resources, under the jurisdiction or control of the two Governments, and make the recommendations necessary to execute such plans." Such recommendations "are to be carried out by all parts of the respective Governments." It makes over-all allocations of the raw materials found available. Mr. Batt, as vice chairman of WPB and a member of its Requirements Committee, correlates the policy of the committee to those of the board. The Combined Raw Materials Board operates through the use of an operating committee and a small staff. The American and British members of the staff pair off, working with their "opposite numbers," thus gaining direct contact at a technical level.

The Combined Shipping Adjustment Board was also created on January 26 by an order which pooled the shipping resources of the United States and Great Britain. There are, in effect, two pools of shipping and two centers of

control, one in Washington, where Sir Arthur Salter (head of the British Shipping Mission in the United States) and Admiral Emory S. Land (head of the War Shipping Administration) constitute a board, and one in London, where the U.S. representative, Mr. Harriman, sits with a representative of the British Ministry of War Transport to form another board. The function of the two boards is to secure such interchange as will result in economy and in allocations to different services in proportion to their relative importance. Plans may emanate from either board. The board has organized the following sections, each staffed with one or two representatives from the War Shipping Administration and the Ministry of War Transport respectively: Ship Allocation Section, Traffic and Economic Requirements Section, Military Personnel and Movements Section, International Operations Section, "Other Flag" Ships Section, and an Economic Analysis Section.

The Combined Food Board is composed of the Secretary of Agriculture for the United States and the head of the British Food Mission (who represents and acts under the instruction of the Minister of Food) for Great Britain. Its duty is to make recommendations to the governments concerning the supply, production, transportation, disposal, allocation, or distribution, in or to any part of the world, of foods, agricultural materials, and equipment necessary to the production of foods. The Food Requirements Committee of the War Production Board, of which Secretary Wickard is chairman, is the link between U.S. government agencies and the Combined Food Board.

British-American committees similar to the combined boards are: The Joint Aircraft Committee, the British-American Blockade Committee, the Blacklist Committees, and the Anglo-American Caribbean Commission. In their spheres of activity, they operate as committees of six or more members ruling upon policy questions in the same manner as do the combined boards.

A group of United States-Canadian committees, created before the United States entered the war, also operate in the manner of combined boards. They include a Material Co-ordinating Committee, Joint Economic Committees, and Joint War Production Committees.

These combined boards and international committees represent a radical departure from customary administrative relationships for the handling of international affairs. They do not work through diplomatic channels, with national representation arranged for the United States by the Department of State. Although the interests of the Department of State are represented by its spokesmen and through participation on subcommittees, the effect of the combined board is to circumvent the usual channels of foreign office negotiation and bring together persons who have executive authority in parallel national departments.

Similar issues between administrative and diplomatic methods developed in the relationship between the Department of State and the Board of Economic Warfare. These issues had to be adjusted by executive order. On April 13 an executive order authorized and directed the BEW to "represent the United States Government in dealing with the economic warfare agencies of the United Nations for the purpose of relating the Government's economic warfare program and facilities to those of such nations." A "clarification" was issued on May 20, stating that "the Board will continue to recognize that it is the function of the Department of State to conduct or authorize the conduct of all negotiations with foreign governments in Washington and abroad." The phrase "or authorize the conduct of" is obviously significant.

War Production and Allocation

A CLOSER relationship between the war production program of the United States and the British-American combined boards was recently effected by changes in the War Production Board.

Early in July the chairman of the WPB, Donald M. Nelson, freed himself and his immediate subordinates from daily routine in order to give more attention to broad problems of strategy and administrative relationships by creating four new positions immediately beneath himself: two vice-chairmanships, a director general of operations, and a deputy chairman on program progress. One of the vice chairmen is to be William L. Batt, formerly chairman of the Requirements Committee. He serves as the chairman's general assistant and deputy, helping him in the determination of policies and in the direction of

operations. The other vice chairman, James S. Knowlson, formerly director of industry operations, has responsibility for program determinations. All of the operations of the Board—including the industry and materials branches and the field organization—are brought together under the director general of operations, Amory Houghton. The deputy chairman on program progress, according to the WPB, is to "follow program progress to anticipate bottlenecks, to detect the causes of failure when failure occurs, and to help to see that necessary corrective steps are taken."

The reduction of the administrative responsibilities of the chairman makes him able to devote more time to essential policy decisions and to the increasingly important relations of WPB with other war agencies, including the combined boards. The two vice chairmen will also strengthen the relationships of United States agencies with the combined British-American boards. Mr. Batt has been the American member of the Combined Raw Materials Board, and Mr. Knowlson is now Mr. Nelson's new deputy on the Combined Production and Resources Board. These connections make it possible for the WPB to translate into action more speedily the decisions of the Combined Production and Resources Board, and enable that board to get firsthand information on the potentialities of the American economy.

At the same time, the WPB set up a Smaller War Plants Corporation, in line with legislation recently enacted by Congress. It is backed by a deputy chairman of the WPB on smaller war plants. He is Lou E. Holland, who had organized the Mid-Central Associated Industries, a corporation set up to facilitate cooperation on war contracts by small industries as the result of cooperative action by municipalities in the Kansas City area.

In June, a nine-man Food Requirements Committee set up by WPB was given full control over the production and allocation of civilian and military food supplies. It has authority to step up or limit domestic production of food and agricultural materials from which certain foods are derived. Secretary of Agriculture Wickard, the chairman of the committee, is also one of the two members of the British-American Combined Food Board. The Food Requirements Committee is now serving as the liaison group between all United States agen-

cies interested in food and the Combined Food Board.

The order creating the Food Requirements Committee was issued to clarify and define respective functions of departments and agencies as they relate to the total wartime status of food production, supply, allocation, importing, and rationing. The committee, in addition to Secretary Wickard, consists of representatives of the State, War, and Navy Departments, the Office of Lend-Lease Administration, the Board of Economic Warfare, and the WPB divisions of operations, materials, and civilian supply.

When all of the facts, programs, and estimates have been assembled and studied, the WPB announced, the Food Requirements Committee will, broadly speaking, make a final decision on how all foods shall be produced and allocated in the light of their availability and of the material and equipment necessary to produce, process, transport, and store them.

The WPB has delegated to the Supply Arms and Services of the War Department responsibility for procurement and production but has retained full authority to decide how much raw materials and finished products are to be allocated to military and civilian use respectively.

Manpower Mobilization and Training

THE War Manpower Commission has outlined the scope of the job it faces during the next year in terms of probably 7,000,000 men under arms, 20,000,000 persons in direct war production and transportation, and 12,000,000 in farm labor by the end of 1943.

To implement the coordination of information and effort of government agencies which will be needed to help bring about the transition these figures indicate, Chairman Paul V. McNutt issued eight directives giving specific tasks to agencies concerned with various aspects of manpower.

Four of the directives were addressed to the United States Employment Service, the most significant of the four asking the Employment Service immediately to analyze and classify occupational questionnaires distributed by the Selective Service System, to interview persons with skills in war occupations, and "to refer them to job openings in war production."

Other directives gave the United States Employment Service the following assignments:

"To prepare and maintain a list of those skilled occupations essential to war production in which a national shortage exists."

"To make preferential referrals of workers to employers engaged in war production in the order of their priority before making referrals to other employers."

"To increase its activities and facilities necessary to provide additional agricultural workers."

The establishment of the system of job priorities, outlined in the Employment Service directives, will be buttressed by information supplied by the War Production Board. That agency was directed by Mr. McNutt to "classify war plants and war products in the order of their urgency to the war program" and to supply the War Manpower Commission with "current information with respect to the relative importance . . . of filling job openings in plants, factories or other facilities . . ." WPB, in securing this information, may seek the aid of the War and Navy Departments, the Maritime Commission, the Department of Agriculture, the Army and Navy Munitions Board, and other agencies.

A directive to the Director of Selective Service calls for "close collaboration" between the Selective Service System and the U.S. Employment Service so that persons engaged in essential war activities may be temporarily deferred from military training and service, and that persons not now engaged in essential activities, but qualified for them, be afforded "reasonable opportunity" to enter essential work. The intent of this directive is apparently to give every able man, as the war progresses and Selective Service lists are exhausted, the choice between service in war work or the armed services.

A transportation directive calls on the U.S. Employment Service, the Department of Agriculture, and "any other department or agency having information concerning workers transferring to, moving between or engaged in essential activities" to transmit information regarding transportation needs to the Office of Defense Transportation. It directs the Office of Defense Transportation and the Farm Security Administration "to assure adequate transportation facilities to move migrant agricultural workers."

The eighth directive orders the Farm Security Administration to "increase the number of mobile labor camps in order to make available workers in agriculture to achieve the 'food for victory' objective."

While the War Manpower Commission thus organized itself for the job of promoting the most effective mobilization and utilization of the nation's manpower, it heard increasing criticism and demand for action on the problem of the "pirating" of skilled workers between war plants. Chairman McNutt has said it may be required that hiring in specified areas of these critical skills be carried on only through the United States Employment Service, but by mid-July no such order had been issued. In some areas, employers have adopted this plan voluntarily.

In Illinois, 250 employers have signed a "Victory Pledge" that they "will refrain from attempting to recruit workers by other methods until after the United States Employment Service has had a reasonable opportunity" to supply their needs. Southern California airplane plants have been using the USES as sole hiring agency for some time.

The training of workers in war industry skills is continually expanding to meet the need for 20,000,000 persons in war production and transportation by the end of 1944. In-plant training programs under joint management-labor committees are operating effectively under the sponsorship of the apprenticeship section of the Federal Security Agency (recently transferred from the Department of Labor). The National Youth Administration, though working on a drastically reduced budget, has consolidated its field organization into eleven regions and will continue to produce trained war workers. The WPA vocational training program has recently been expanded through an auxiliary shop training program, which involves use of idle machine, welding, and sheet metal shops. The engineering, science, and management war training program, as administered by the U.S. Office of Education, has enlisted the participation of more than two hundred colleges and universities in a program designed to meet the shortage of engineers, chemists, physicists, and production supervisors in fields essential to national defense. Congress has provided \$5,000,000 which the U.S. Office of Education may lend to students seeking

technical or professional degrees in the fields covered by this program.

Governmental Day Nurseries

Importance of day nurseries to relieve mothers for war industry jobs has increased with intensification of the battle of production. Detroit and New York State and City have taken the lead in experimenting with day-care programs, which are under observation by officials of many industrial centers.

Detroit's experiments in day care of children began in June through cooperation between the Wayne County Defense Council and local and school authorities, and plans were made in July to expand the program. Offering both preschool and school-age facilities, the plan was designed especially for families having both parents working in war industries and for families where the father works by night and sleeps by day.

The first program was operated in a school near two defense plants in Detroit, and children of workers within and without the district were accepted for care. In July the Detroit Board of Education set aside space in six high and intermediate schools and decided to add more centers if necessary.

Detroit's day nurseries are on a fee basis and are expected to be self-supporting. Inexpensive lunches are provided, and preschool children get regular health inspections. Volunteers are being recruited to conduct the classes.

State-wide health and welfare regulations were adopted recently in New York to safeguard day nursery children, requiring persons and agencies giving nursery care to three or more children to obtain a permit from the Department of Social Welfare and to maintain definite standards. In adopting the regulations the Department of Social Welfare followed the recommendations of the Children's Bureau of the U.S. Department of Labor. Close relatives and nursery schools registered with the State Department of Education are excepted from the regulations, as are New York City's day nurseries, since they are covered under the municipal sanitary codes.

Plans to expand day-care facilities of New York City have been under consideration for some time and a master plan for a city-wide system of nurseries has been made by federal and city agencies and citizen groups.

Municipal Employee Losses

The lure of higher wages in civilian jobs is taking as many employees as the armed forces from municipal jobs in California, according to a recent survey by the League of California Cities. Of 169 employees of 22 cities who have left municipal service since the United States entered the war, about 24 per cent took war industry jobs and 19 per cent accepted other civilian employment. Approximately 18 per cent enlisted in the armed forces, 8 per cent were drafted, and 16 per cent were called for active service as reserve officers. Fifteen per cent left municipal service for other reasons.

Police departments lost the largest percentage of employees. In 10 of the cities, 64 police officers, or 11 per cent of the total, gave up their jobs. Three were drafted and 22 enlisted or were called to duty with the National Guard; the remainder accepted civilian employment.

The survey indicated that only a few cities have liberalized local residence requirements for civil service candidates, although employee ranks are being depleted rapidly and replacement with qualified applicants is difficult.

While there is no uniform policy, practically all California cities are granting leaves of absence to employees who enter military service. In New York, Detroit, and some other cities, leaves are granted certain employees for work in war industry.

Unemployment Relief

New York State has altered its relief policy to further employment in war industry. A recently enacted bill provides that persons who refuse to work in order to remain on home relief will lose their allowances.

A person receiving relief may be offered employment either in his home community or another community in New York State by his local welfare administration. If the job is outside his home community he will receive travel expenses and home relief at his new location until he starts to receive wages. If he refuses for unsatisfactory reasons a job for which he is "reasonably fitted" or declines to attend a vocational training school, he is to be deprived of his home relief.

A refusal to take a job may not be penalized if it is based on or involves a question as to wages, hours of labor, or membership in a labor

organization, or involves a strike. If such a reason exists, the state industrial commissioner shall decide whether the refusal is for good cause, and pending the decision home relief will not be suspended.

War Damage Insurance

ADMITTEDLY too big and too dangerous for the private companies to handle alone, insurance on war damage risks has been provided by a plan of industry-government cooperation. The War Damage Corporation is providing the first property insurance ever underwritten by the federal government, and the arrangements under which the insurance is being written, involving the participation of the entire fire insurance business to handle the mechanics of writing the policies and to assume a small part of the risk, are also unique in our history.

The War Damage Corporation, with capital of \$1,000,000,000, is now providing protection at low rates through policies to be obtained in the ordinary way from local insurance agents. The insurance companies cooperating in the program assure 10 per cent of all losses in excess of net premiums up to a total of \$20,000,000 and are entitled to a corresponding percentage and amount of profits, if any. The companies, insurance agents, and brokers are entitled to compensation within prescribed limits for their work in collecting premiums, issuing policies, and providing other necessary services.

This program is not far different from those that have been worked out abroad. In England the insurance companies do the work of estimating damage and operating the general details of the program. They receive a service fee but assume none of the risk.

In the first World War a few states, notably Minnesota, New York, and Pennsylvania, passed laws authorizing domestic insurance corporations to insure against loss or damage to property resulting from explosions, bombardment, or acts of war, but no national measures were adopted.

On December 13, 1941, temporary war damage insurance was provided by the creation (through the Reconstruction Finance Corporation) of the War Insurance Corporation, which provided free insurance up to a total of \$100,000,000 against losses resulting from enemy attacks on private property in the continental

United States. This device provided time for the working out of a more comprehensive plan.

Office of Price Administration

THE retail price control functions of the Office of Price Administration were assigned in May to the same organization of regional, state, and district offices and local boards that had been used in the task of rationing.

State rationing administrators, who had been chosen by the governors with the help of state defense councils, and local tire rationing boards, selected by local defense councils and appointed by OPA, were given titles to cover the broadened scope of their work.

The OPA administrative structure, as it now exists, consists of 9 regional offices, state offices, a small number of district offices (more than half of the states have no district offices), and approximately 6,000 local war price and rationing boards. Consolidation and realignment of the number of local boards is proceeding at present on the theory of a basic policy of constituting a local board area for each 50,000 persons in urban areas, 30,000 to 50,000 in semiurban areas, and 10,000, to 30,000 in rural areas.

In rationing, the local boards have final authority subject to appeal to state offices to allow purchase of rationed items. In this area the Office of Price Administration superstructure exists, in effect, for the purpose of keeping the local boards effectively functioning and of providing an avenue for information on policy to flow downward from Washington. In price control, however, the local board function is not one of final authority. The boards do not police prices, but merely maintain contact with retailers, distribute information, and receive and transmit complaints of retailers and suggestions to the district and state offices.

The rent-control function of OPA, in each area in which rents are controlled, is administered by a defense-rental area office headed by a rent director, who is subject to the general direction and control of the national office of OPA and the immediate supervision of the regional office. State and local OPA offices are not involved in rent-control administration.

To enforce the recently adopted coupon system of gasoline rationing in the East Coast states, state tax departments audit additional copies of monthly state gasoline tax returns

from primary suppliers and certify them to the Office of Price Administration. This system supplements the audit control of coupons as they flow from consumers to retailers to wholesalers. Under the permanent rationing system, each gasoline station will start off either with full tanks or with coupons representing empty tank space. It must turn over coupons for gasoline sold to replenish its supply.

Office of War Information

AUTHORITY over dissemination of all official news and propaganda within the United States and abroad, excepting Latin America, was granted the new Office of War Information established by executive order June 13. Elmer Davis, nationally known radio news commentator, author, and former newspaperman, was named director of the Office, which was established in the Office for Emergency Management in the Executive Office of the President.

The director was given authority, subject to the President's approval, to issue directives concerning war information to all government departments and agencies, to establish types of information programs and releases to be approved by his Office, and to curtail or eliminate any federal information service which he considers wasteful or not related to the war effort. The Office does not, however, have power over censorship and the director was instructed to work closely with the director of the Office of Censorship to "facilitate the prompt and full dissemination of all available information which will not give aid to the enemy." The Latin American program of the Office of Inter-American Affairs is also excepted from his control.

The Office of War Information is divided into two main divisions, one concentrating on dissemination of information within the United States and the other on foreign news and propaganda.

A Committee on War Information Policy, of which the director is chairman, will formulate basic policies and plans on war information and advise the director, who has the final decision. On this committee will be representatives of the Secretaries of State, War, and Navy, the Joint Psychological Warfare Committee, the Coordinator of Inter-American Affairs, and such other agencies as the director, with approval of the President, may determine.

The director was authorized specifically by the executive order to coordinate federal activities to assure an accurate and consistent flow of war information to the United States and the world and to maintain liaison with information agencies of the other United Nations for correlation of purposes.

While the information services of the various departments and agencies relating exclusively to their authorized activities will continue to exist, their activities must conform to the directives issued by the Office of War Information.

Three over-all federal information services and part of a fourth were absorbed by the Office of War Information. They were the Office of Facts and Figures, the Office of Government Reports, the Division of Information of the Office for Emergency Management, which served such agencies as the War Production Board, the Office of Price Administration, and the War Labor Board, and the Office of the Coordinator of Information, except its intelligence and other special war service activities not connected directly with publicity, which were transferred to an Office of Strategic Services under the Joint Chiefs of Staff.

Office of Civilian Defense

THE Office of Civilian Defense established a Facility Security Branch in May to carry out its responsibility for the development and execution of protective measures against sabotage for many types of the nation's essential facilities. The OCD is to carry out this job by supplementing, as well as coordinating, the protective programs of the Army, Navy, Federal Power Commission, and other government agencies.

Thirteen federal agencies are commanded by executive order to find out how the safeguards for essential property in which they are interested are deficient and to remedy any deficiencies "in conformity with the policies, standards, plans, directives and procedures of the Office of Civilian Defense."

Under the direction of OCD the federal agencies concerned have surveyed the facilities under their control, determined the weaknesses in provisions for security, recommended action to be taken by owners and operators, and inspected the steps taken for security against sabotage. The Office of Civilian Defense has reviewed all programs and is analyzing current

surveys and reports. On the basis of this study, additional recommendations are being made, and OCD has the responsibility of seeing that all original programs and recommendations are carried out.

A second protective service recently organized by the OCD is the Forest Fire Fighters Service. Organized and developed through state and local defense councils, which supervise the mobilization of volunteers for the service, the Forest Fire Fighters Service will function under the command of the Forest Service of the Department of Agriculture and other established forest protection agencies.

Members of the Fire Fighters Service will be enrolled as units of civilian defense auxiliary groups and will be furnished arm bands, identification cards, and automobile plates for purposes of identification in an emergency. The nine regional directors of OCD have been instructed to assist in organizing local units and in enrolling volunteer personnel, and to cooperate in establishing and strengthening forest protection programs advanced by federal, state, and local agencies.

Agencies which will direct operations of the fire fighting groups on forest lands under their respective jurisdictions and which will develop training programs for enrolled volunteers are the U.S. Forest Service, the Indian Service, the General Land Office, the Fish and Wildlife Service, state forestry departments, and private protection associations.

Possibilities of incendiary bombing by enemy planes and danger of sabotage add to normal seasonal hazards and make the menace of forest fires this year the greatest the country has faced, according to the OCD. The diversion of men to the armed forces and to war industries makes it necessary for federal and state forest services to depend upon volunteers for fire fighting.

The OCD and the Highway Traffic Advisory Committee to the War Department are sponsoring jointly, in strategically selected localities, a survey of our vital lines of transport and the facilities served by them, the preparation of plans for alternate routes to be used when main routes have been damaged or reserved for military traffic, and the preparation of plans for the repair of damage caused by enemy action to these routes and facilities. The surveys are to be made by transportation authorities estab-

lished under state and local defense councils.

The Highway Traffic Advisory Committee to the War Department and the state highway traffic advisory committees, now created in all states, will participate in the program by being available for consultation and advice to the defense council transportation authorities in the development of their plans. While the Highway Traffic Advisory Committee to the War Department prepares data for the transportation authorities, OCD publishes all pamphlets and instructional material required in the program. The regional offices of OCD are securing the establishment of the transportation authorities by defense councils, co-ordinating the surveys, and maintaining liaison with the state highway traffic advisory committees. A number of localities already have prepared plans contemplated by this program.

Emergency Welfare Programs

PLANS for providing emergency welfare facilities and services for individuals and families bombed out of their homes in event of an enemy attack are being made in vulnerable areas throughout the country by civilian defense and welfare officials.

One example is Baltimore, where the program is under the direction of the Department of Public Welfare, which is assisted by the Red Cross and private social agencies. The Baltimore plan provides for the emergency feeding and housing of persons made homeless by enemy action or other disaster. The welfare department, by agreement with the state civilian defense council, assumed the responsibility for providing various welfare services as part of the war effort. The initial step in setting up the plan was the cataloging of the city's 250,000 dwelling units to learn how many and which private dwellings would be available for temporary and semipermanent shelter, and to help the state welfare department in planning shelter aids outside the city proper in event of evacuation. Although the plan places little reliance on group shelter and mass feeding, the Red Cross is surveying churches, public buildings, and hotels in order to be prepared in event these services become necessary. When completed the housing information will include data on all occupants' pets, automobiles, and other equipment owned, and on the language spoken. The purpose is to avoid disruption

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of normal family life as much as possible if it becomes necessary to billet bombed-out people.

Each of the ten civilian defense districts in Baltimore has an emergency food and shelter center staffed by seven social workers, a clerk, and a lawyer. Centers will have "citizens' advice departments" to render a service found particularly necessary in England, and will be able to make cash grants up to \$50 to take care of immediate needs.

What Baltimore has done and planned in this field is in the offing for every public welfare district in New York State, according to the state director of emergency welfare services and evacuation, who reported to New York municipal officials recently that within a short time every public welfare district in the state will set up one or more emergency welfare centers to administer three major services: (1) emergency aid, information, and counseling services; (2) rest center services; and (3) mass feeding and mass shelter facilities, if necessary. Under this program public welfare staffs will be supplemented by volunteers recruited in the localities and the rest centers will be operated under the direction of the Red Cross.

Virginia Defense Councils

VIRGINIA has abolished its state defense council and its system of regional councils, as described in the winter number of *Public Administration Review*. Only two regional councils have been retained, and their membership has been changed to comprise for the most part the responsible executive officers of cities and officially designated officers of counties. The state defense council has been replaced by a coordinator appointed by the governor.

Balance Sheet

A VAILABLE for the first time for any year in a comprehensive form, the figures on the total American government revenues and total American government expenditures for the past year were published by the Bureau of the Census on May 24 and June 14 respectively. They applied to the financial transactions of all governmental units in the United States for the fiscal year 1941.

Excluding intergovernmental fiscal aid, total net revenues were \$18,642 million, and expenditures were \$24,431 million. Revenues were 16.6

per cent larger and expenditures 34 per cent larger in 1941 than in 1938.

The sum of \$2,757 million was spent by other governmental units than those that originally collected or borrowed it. This amount includes grants, shared revenues, loans, and payments of debt services, but not WPA and similar indirect aids. Local governments were the greatest beneficiaries of intergovernmental fiscal aid, receiving \$1,883 million of the total and paying only \$100 million to state and federal units. State governments paid \$1,751 million to other levels of government and were paid \$819 million. The federal government paid \$905 million and received \$36 million.

The federal government itself spent \$13,879 million, the state governments \$4,837 million, local units \$5,562 million, and territorial governments \$144 million during 1941. However, federal receipts were only \$8,282 million, while state revenues amounted to \$4,961 million, local \$5,253 million, and territorial \$146 million. In other words, federal government expenditure was more than 56 per cent of American government expenditure and federal revenue less than 45 per cent of American government revenue in 1941; the difference represented an increase in the federal debt.

National defense costs of \$6.7 billion absorbed over one-fourth (27.4 per cent) of all public funds. Despite declining costs for work relief and general relief, the total bill for all types of welfare was nearly \$3 billion, or one-eighth of all public expenditure. If old-age and unemployment insurance were added to this class, welfare would account for one-fifth of government spending in 1941.

To American public schools were allotted over \$2.5 billion, or 11 cents out of every public dollar expended. Debt service was almost the same amount because of increasing interest costs. Next in importance were the \$2 billion spent on highways and other forms of transportation and the nearly \$1.5 billion paid for agriculture and other resources. General overhead services to administer American government cost \$1.2 billion, or 5 per cent of total expenditure.

Sales, gross income, and customs taxes yielded over 25 per cent of the total revenues of American government in 1941, property taxes contributed more than 24 per cent, slightly less was contributed by taxes on net income and

death transfers, and the remaining one-fourth came—in descending order of importance—from pay roll taxes, nontax revenue, specific business taxes, and minor taxes.

Maritime Labor Relations

TO IMPLEMENT its recently announced policy of dealing with unions in the maritime field, the War Shipping Administration has created a Division of Maritime Labor Relations. The division will formulate the general labor policy of the Administration, cooperating closely with other activities of the Administration concerned with recruitment of personnel and the manning of vessels of the United States and United Nations.

Since the government is in effect the employer of nearly all maritime labor engaged in war shipping, it assumes through the new division the responsibility of supervising the collective bargaining relationships between the operating agents and the bargaining agents designated by the seagoing personnel. This will be one of the division's principal activities. Collective bargaining agreements which the War Shipping Administration confirmed in May settled long-standing disputes between the maritime unions and government agencies.

Planning Commissions

TEN cities are represented on a regional planning committee set up to assist the Detroit defense area in meeting the impact of overnight expansion of wartime industry which may bring a migration of workers comparable to that of the 1920's. The committee, which was appointed by the mayor of Detroit as a fact-finding, advisory and coordinating agency, has made studies of housing, transportation, and utility needs in the area.

Represented on the committee are the planning commissions of the state and of Detroit and Dearborn, eight other cities in the area, the Engineering Society of Detroit, the Citizens Housing and Planning Council, the Huron-Clinton Parkway Authority, the Federal Housing Authority, and the Wayne County Bureau of Taxation. The member agencies lend technical staff to the committee and furnish basic data for clarification and coordination.

Among the wartime problems which will be studied are legal controls for rural and urban

developments, the possible evacuation of the metropolitan area, and needs for recreation and education.

A recent survey by the International City Managers' Association showed that planning agencies now exist in nearly three-fourths of the cities over 25,000 in population in the United States. More than half of the cities reported long-range public works programs under way, most of them with aid of the federal public work reserve program.

Though the cities are well supplied with planning agencies, a large share of the agencies have little or no funds and lack adequate technical staffs, according to the survey. Less than one-fourth of all cities reporting had full-time planning staff members.

Post Office Budget Bureau

AND OFFICE of Budget and Administrative Planning, charged with the budgeting and management planning responsibilities of the Postmaster General, was established in the Post Office Department on July 1. A Director of Budget and Administrative Planning heads the unit and supervises and coordinates the work of a commissioner of the budget and a commissioner of administrative planning.

The Director of Budget and Administrative Planning is also chairman of an Operations Board (replacing the Wartime Board), which is to make readily available to his office the advice of key personnel of the Department on administrative problems relating to the major departmental units and the general business of the Post Office.

The Post Office Department had previously had no budget bureau or administrative planning unit as such. The comptroller of its Bureau of Accounts had supervised the preparation of departmental estimates.

School of Military Government

ASCHOOL of Military Government was opened by the Army at the University of Virginia, Charlottesville, on May 11 to train officers for future detail in military government. Officers ranking from captain to colonel are enrolled in the four months' course. Students are chosen from all components of the Army because of experience in local, state, and federal government, or because they are engineers or lawyers

with special qualifications. The faculty includes specially qualified Army officers, professors of law and public administration recently commissioned for work in the school, and visiting civilian lecturers.

Intermunicipal Cooperation

A NATIONAL Union of Chilean Municipalities, with a permanent secretariat, was established in March at a national meeting of city officials, the First National Congress of Chilean Municipalities. Ten Central and South American countries have now taken steps to organize national associations of municipalities.

Army Specialist Corps

THE administrative relationship of the Army Specialist Corps to the regular Army has been described in a series of recent announcements by the War Department. The Army Specialist Corps' purpose is to provide men possessing professional, scientific, and administrative qualifications, but otherwise ineligible for active duty because of age or physical requirements, to meet specific needs or vacancies in the Army and other agencies of the War Department. It will also train qualified persons for technical positions in fields where the demand exceeds the supply.

The Corps, except for its own requirements, does not make appointments on its own initiative. It receives from military branches requisitions for personnel to fill specific positions. The Corps then examines personnel records in its own files and those supplied by the Civil Service Commission, the National Roster of Scientific and Specialized Personnel, the Adjutant General's Office, and other agencies. When the records of suitable candidates are located, they and the candidates are referred to the branch which filed the requisition. The requisitioning branch then makes the final selection and requests that the Corps arrange for the appointment of the selected individuals. All appointments must be approved by the War Department Personnel Board.

Members of the Corps hold semi-military rank ranging in comparable grades from major general (in the case of the Director General) to corporal. They wear uniforms similar to but with distinctive marking from the Army uniform, but are not required to salute. They are directly responsible to the Army commander

of the activity under whose jurisdiction they are serving, even though they may outrank him. In some circumstances, such as the operation of a training school, arsenal or other activity by officers of the Corps, Army officers or enlisted men will be subject to their orders. Their pay is considerably better than Army compensation in the lower ratings. Arms and ammunition will not be issued to members of the Corps, but they will serve wherever needed, including active theaters of operation.

The Director General of the Corps is Dwight F. Davis, who was Secretary of War from 1925 to 1929. He is assisted by three deputy directors, in charge of bureaus of engineering and technical personnel, commerce and business personnel, and general administration. The Corps has already received approximately 200,000 applications for appointments, and expects to assign more than 11,000 members to the several arms and services of the Army during 1942.

Civil Service Commission

THE administrative and business management branches of the Civil Service Commission have recently undergone reorganization in the direction of more efficient functional alignment. A Chief of Administrative Services, with supervision over all of the administrative services and business management functions of the Commission, has been created. Reporting to him will be a Budget and Finance Division, a Division of Personnel Supervision and Management, and an Accounts and Maintenance Division.

The Budget and Finance Division was created by abolishing the former Budget and Planning Division and Statistical Division. Its work is divided among budget, statistical, accounting, audit, and personnel requisition sections. All statistical and other projects not essential to the immediate war work of the Commission have been eliminated.

The Accounts and Maintenance Division and the Communications Division were abolished and merged into the new Office Services Division. This division has sections dealing with space control and maintenance, mail and files, printing, and supplies and processing. The auditing and accounting work heretofore performed in the former Accounts and Maintenance Division has been transferred to the Budget and Finance Division. Pay-roll prepara-

tion work has been transferred from the Budget and Finance Division to the Division of Personnel Supervision and Management.

Emergency Standards

The War Production Board and the Office of Price Administration have contracted with the American Standards Association for the development of emergency standards on which wartime supply and price control measures can be based.

The American Standards Association is a federation of seventy-seven national technical and trade associations and government departments. It works closely in cooperation with the National Bureau of Standards of the Department of Commerce.

Under its contract with the WPB and OPA, the American Standards Association will formulate uniform dimensions to provide for an

interchangeability of parts and supplies, specifications for materials and products, and standards of quality by which price control can be enforced.

Control of Local Debt

New York State will exercise control over the debts of its local governments after July 1, 1943, under the terms of a statute enacted this year.

This statute is the first step in a program to establish a uniform finance code for municipalities. The program was drafted after a four year study by a temporary state commission for the revision and codification of laws relating to municipal finance. The complete program proposed by that commission calls for a state finance code prescribing uniform procedures and the minimum standards of operation for local debt, local budgeting, taxation, and the review of assessments.

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News of the Society

THE fourth annual meeting of the American Society for Public Administration will be held in Chicago December 27 and 28.

The Society's meeting will again be held jointly with that of the American Political Science Association, which will hold its first session on December 28, and continue through December 30.

Chapter News

THE Alabama Chapter issues a monthly news letter on new developments in public administration, especially within the state. The news letter announces and reports on meetings of all organizations in which public administrators may be interested, and includes personal notes.

The Sacramento Chapter held a meeting July 23 at which the following officers were elected to serve for 1942-43: President, Frank B. Durkee, attorney for the Division of Contracts and Rights of Way, State Department of Public Works; vice-president, DeWitt W. Krueger, chief of the Division of Research and Statistics, State Board of Equalization; secretary-treasurer, Frances Mohrhardt, associate personnel examiner, State Personnel Board. Chapter directors for 1942-43 are: immediate past president Clarence H. Langstaff, chief deputy, State Legislative Council; and three re-elected members, Clarence Malm, principal accountant for the State Department of Finance; A. G. Mott, chief of the Division of Evaluation, State Board of Equalization; and Miss Grace Taylor, Sacramento City Librarian.

The San Francisco Bay Area Chapter met on July 9. Professor John M. Gaus, chairman of the department of political science at the University of Wisconsin, discussed "Problems of Public Administration." New officers elected by the chapter for 1942-43 are: president, Chester C. Fisk, city manager of Berkeley; vice president, John B. Kaiser, librarian, Oakland Public Library; chapter directors: Charles Aikin, State Office of Price Administration and professor of political science at the University of California; Miss Doris Dozier, director of

the office of records and placement, Mills College; Richard Graves, assistant regional director of the Office of Price Administration and executive secretary (on leave) of the League of California Cities; John C. Stirrat, manager of the State Compensation Insurance Fund; and Edwin A. Cottrell, professor of political science at Stanford University and immediate past president of the chapter.

The Connecticut Chapter's June meeting on housing had to be canceled because of gasoline rationing. Plans for local meetings which will involve no long trips are being made for the autumn.

The Chicago Chapter is continuing its schedule of monthly meetings through the summer. Herman Finer, reader in public administration at the University of London since 1923, and now secretary of the Local Government Reconstruction Committee of the Labour Party, spoke at the meeting of May 20 on "British National Administration in the Third Year of War." On June 30, Chester W. Hepler, Illinois state director of the U. S. Employment Service, spoke to the chapter on "Problems of Manpower Mobilization in Time of War." On July 28, Joseph L. Overlock, vice-president of the Continental Illinois National Bank and Trust Company, now on leave and serving as regional director of the War Production Board, spoke on "War Production Problems."

The Boston Chapter met on May 8. Christian A. Herter, speaker of the Massachusetts House of Representatives, discussed the work of the Office of Facts and Figures, from which he recently retired to become a candidate for Congress. All 1941 officers of the chapter were reelected for the ensuing year.

The New York Metropolitan Chapter held its last meeting of the season on May 11 jointly with the Metropolitan Political Science Association and the Institute of Administrative Responsibility in War. Donald C. Stone, assistant director in charge of administrative management, U. S. Bureau of the Budget, talked on "Central Organization for Total War."

The Washington D.C. Chapter held its annual dinner meeting on June 4. Robert Rams-

peck, congressman from Georgia, spoke on "The Relationship between the Legislative and the Executive Branches of the Government in Wartime." The following officers were elected for the coming year: president, John N. Edy, assistant commissioner for administration, Federal Public Housing Authority; first vice president, Henry Reining, Jr., educational director of the National Institute of Public Affairs; and second vice president, Miss Lavinia M. Engle, chief of field operations, Social Security Board. The constitution of the chapter was amended to make the office of secretary-treasurer of the chapter an appointive office, and the executive committee appointed Aubrey

Davis, Jr., administrative analyst, Federal Public Housing Authority, to act as secretary-treasurer for 1942-43. The two senior members of the chapter to serve on the executive committee with the president and the vice presidents during 1942-43 are E. R. Ballinger, director of personnel, General Accounting Office, and Burton L. Hunter, chief budget examiner in the Estimates Division, U. S. Bureau of the Budget. The two junior members on the committee for 1942-43 are Julia J. Henderson, assistant management officer, Bureau of Employment Security, Social Security Board, and Verne B. Lewis, planning officer, Foreign Funds Control.

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